

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF OHIO

3 WESTERN DIVISION

4 CASE NUMBER: 1:17-CV-608

5
6 JASON COTTERMAN,

PLAINTIFF,

7
8 vs.

9
10 CITY OF CINCINNATI,
et al.,

DEFENDANTS.

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15 DEPONENT:

ELIOT ISAAC

16 DATE:

August 20, 2019

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19 LEE ANN GOFF

20 COURT REPORTER

ORIGINAL

21
22 **Barlow**

23 Raising the Bar
Reporting & Video Services, LLC
24 620 Washington Street
Covington, Kentucky 41011
25 (859) 261-8440

Page 1

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LEE ANN GOFF
COURT REPORTER

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The deposition of ELIOT ISAAC, taken for the purpose of discovery and/or use as evidence in the within action, pursuant to notice, heretofore taken at Cincinnati City Hall, 801 Plum Street, Cincinnati, Ohio 45202, on August 20, 2019, at 2:11 p.m., upon oral examination, and to be used in accordance with the Federal Rules of Civil Procedure.

APPEARANCES

REPRESENTING THE PLAINTIFFS:

Robert F. Croskery, Esq.
Croskery Law Offices
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Cincinnati, Ohio 45226

REPRESENTING THE DEFENDANTS:

Julie F. Bissinger, Esq.
Senior Assistant City Solicitor
801 Plum Street, Suite 214
Cincinnati, Ohio 45202

ALSO PRESENT: Jason Cotterman

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I N D E X

Examination of ELIOT ISAAC Page
BY MR. CROSKERY: 4

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ELIOT ISAAC

called on behalf of the Plaintiff, after having been first duly sworn, was examined and testified as follows:

CROSS-EXAMINATION

BY MR. CROSKERY:

Q. Good afternoon, Chief Isaac.

A. Good afternoon.

Q. We just met. Please state your full name.

A. Eliot Isaac, I-S-A-A-C.

Q. And I'm assuming that if I need to get you for trial, I can get you through counsel?

MS. BISSINGER: Yes.

Q. Chief, how long have you been the chief of police here at the City of Cincinnati Police Department?

A. I was officially appointed in December of 2015. I took over as interim chief in September of '15.

Q. And you were put in as interim chief in connection with an action taken by Harry Black, city manager, in terminating Chief Blackwell, who preceded you; is that right?

A. That's correct.

Q. And part of his reasons for terminating Police Chief Blackwell were outlined in a long report

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1 that I assume you're fairly familiar with. I'm going
2 to give it to you now; it's Exhibit 1.

3 A. Okay.

4 Q. There is no need to read or go through the
5 whole thing, I just want you to look at it and tell
6 me whether or not you've seen it before.

7 A. Yes.

8 Q. In fact, it's my understanding that you were
9 responsible for some of the information gathered by
10 the city manager in this report; is that correct?

11 A. I did give a statement or write a statement.

12 Q. And I believe your statement is in here, but
13 in addition to that, didn't the city manager meet
14 with you and also with Colonel Bailey to request
15 assistance in the transition period?

16 A. Correct.

17 Q. Tell me what your recollection is about that
18 meeting.

19 A. That he was going to make a change. I was
20 the executive assistant chief at the time. The
21 executive assistant chief holds the responsibility
22 that, in the absence of the police chief, they assume
23 the duties of the police chief.

24 Q. So you had already assumed the duties of the
25 police chief from time to time when he was absent?

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1 A. Correct.

2 Q. Now, some of the information that's in this
3 report deals with two things I want to hone in on.
4 One is what I would call an unofficial chain of
5 command, that is that Chief Blackwell had a group of
6 lieutenant colonels underneath him that normally
7 would be the ones that you would expect would give
8 out information, directives and communication, but
9 that there was also a group of unofficial people that
10 were, I don't know if friends is the right word,
11 acquaintances, and folks that were in the circle of
12 Chief Blackwell. And one of the complaints from the
13 city manager is that information, according to the
14 department personnel, was sometimes passed through
15 this unofficial chain of command. Are you familiar
16 with that allegation?

17 A. I am aware that there were some that felt
18 that way.

19 Q. Well, did you feel that way?

20 A. I felt that at times communication was a
21 challenge. I was only an assistant chief for a short
22 period of time. I was appointed executive assistant
23 chief in July, so I only had a two, two and a half
24 month experience at the senior level.

25 Q. July of 2015?

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1 A. Correct.

2 Q. All right. Prior to July of 2015, what was
3 your position?

4 A. I was the commander of CIS, the criminal
5 investigations section. And then I was for -- for a
6 short period of time prior to my promotion to
7 executive assistant chief, I was the patrol
8 administration commander.

9 Q. Now, have you been in the Cincinnati Police
10 Department your whole career?

11 A. My career, since 1988.

12 Q. Congratulations.

13 A. Thank you.

14 Q. Does the commander of CIS have any authority
15 over internal affairs or is that something separate?

16 A. That is separate.

17 Q. I understood that internal affairs at the
18 time that I'm concerned with was under Colonel
19 Bailey. And what were your roles as the commander of
20 CIS? What did you do?

21 A. In charge of the criminal investigations
22 section, in charge of the homicide unit, the personal
23 crime units, and the financial crime, major offenders
24 unit.

25 Q. All right. Is it fair to say then that you

Page 8

1 had nothing to do with the initiation of the
2 prosecution against Sergeant Richard Sulfsted and
3 against Officer Jason Cotterman?

4 A. That is correct.

5 Q. But eventually when Chief Blackwell left,
6 you kind of took over -- or not you personally, but
7 the folks under you took over continuing the
8 prosecution that had started under Chief Blackwell?

9 MS. BISSINGER: I'm going to object to the
10 term prosecution. The chief -- nobody -- the
11 prosecution decision was made by the prosecutor's
12 office. It wasn't made by Cincinnati Police
13 Department.

14 MR. CROSKERY: Well, your objection is
15 noted, Ms. Bissinger. But in this morning's
16 deposition, what I heard was that Brent McCurley, who
17 was the lead investigator, and his associate,
18 Sergeant Scalf, dealt with the prosecutor, made
19 recommendations which may or may not have been
20 accepted, and that based on that the city solicitor
21 chose to go forward with the prosecution.

22 MS. BISSINGER: That was not the testimony.
23 The testimony was they presented the facts and the
24 prosecutors made the decision whether or not to
25 charge.

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1 MR. CROSKERY: Well, the record will speak
2 for itself.

3 MS. BISSINGER: Yes.

4 BY MR. CROSKERY:

5 Q. But my point is that prosecution had been
6 started up, a decision had been made on it before you
7 were the chief of police?

8 A. That's correct.

9 Q. We're in agreement on that?

10 A. Um-hmm.

11 Q. And it continued after you were chief of
12 police?

13 A. It continued, correct.

14 Q. All right. Now, when you first came in as
15 chief of police, is it fair that you -- that you came
16 in after allegations that there had been some
17 mismanagement on the part of the former chief?

18 A. I'm not sure if "mismanagement" is the
19 correct word. I know there was some dissatisfaction.
20 There was some complaints regarding his treatment of
21 certain employees, and I would have to review the
22 rest.

23 Q. Well, some of the phrases that have been
24 used by the city manager in his report -- for example
25 at the beginning of the second page, he talks about

Page 11

1 specifically Ms. Tiffaney Hardy. I believe I even
2 mention that in my statement.

3 Q. I think you do.

4 A. Yes.

5 Q. So at least in the specifics that you were
6 aware of, you would believe -- you would testify that
7 your observations were consistent with the
8 observations that Mr. Black wrote in his report
9 concerning Chief Blackwell; is that right?

10 A. Yes.

11 Q. Okay. So as the new incoming commander
12 faced with what at least is alleged to have been a
13 toxic environment for the police officers involved,
14 I'm assuming that you took steps to do an up-to-down
15 inventory and rectify the situation as best you
16 could; is that right?

17 A. Correct.

18 Q. Tell me about that. What did you do?

19 A. Well, you know, we did a number of things.
20 We reinstituted some things that were discontinued,
21 some audits. We definitely tried to make the extra
22 effort to communicate with the entire staff. That
23 was one of the key complaints, was that there was a
24 lack of communication throughout the department. And
25 definitely -- it only left myself and Colonel Bailey,

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1 dire conditions for our officers. It's unreasonable
2 to expect them to continue to serve with distinction
3 in the existing toxic environment. Do you see that
4 about the fourth line down? And that there was a
5 climate assessment done which showed fairly low
6 morale in a number of key areas. Can we agree on
7 that?

8 A. Yes.

9 Q. All right. So whether Mr. Black is correct
10 about this or not, I don't know, but I can tell you
11 that in his report he states that Chief Blackwell
12 used verbal abuse and insults to convey authority.
13 And he also notes a culture of hostility and
14 retaliation. That is the beginning of the third
15 paragraph on that page. Do you see that?

16 A. Yes.

17 Q. And he also discusses the use of overtime
18 and talks about documented and corroborated acts of
19 retaliation. Do you see that?

20 A. Yes.

21 Q. Now, do you believe, based on any of your
22 observations, that you could corroborate that there
23 was retaliation and acts of hostility?

24 A. Definitely acts of hostility. And there was
25 definitely some mistreatment of employees,

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1 so we were on the path to promote several additional
2 assistant chiefs.

3 Q. And did you, in fact, promote several?

4 A. We did.

5 Q. And tell me about that.

6 A. We went through a process. And through that
7 process, Teresa Theetge was promoted to assistant
8 chief, Michael John was promoted to assistant chief,
9 and Paul Neudigate was promoted to assistant chief.

10 Q. So when you had finished with these
11 promotions, just help me understand the chain of
12 command at this point. You're the chief, Lieutenant
13 Colonel Bailey is --

14 A. He becomes the executive assistant chief.

15 Q. Executive assistant chief. And then are
16 each of these -- let's see, you've got five district
17 chiefs.

18 A. Then the other three become assistant
19 chiefs, and then the districts are run by captains.

20 Q. Right. And Captain Theetge before, I
21 believe, was in internal. We just heard about that
22 today.

23 A. I believe so.

24 Q. All right. So is there a captain in
25 internal and then five captains, one for each

Page 13

1 district, or how does it work?

2 A. Yes. There are captains in other
3 assignments. Captains are in charge of either
4 districts or sections.

5 Q. And how many do you have all together?

6 A. We have 15 captains.

7 Q. Just promoting -- I'm translating this into
8 military. I'm not sure -- so if you were --

9 A. I am.

10 Q. Okay.

11 A. So if you would think of the police
12 department or think of a district as a company, you
13 have a captain, you have four lieutenants. And then
14 there's usually 19 or 20 sergeants assigned to a
15 district. And then depending on the size of the
16 district, there may be anywhere from 90 to 150
17 officers in that district.

18 Q. Okay. Now, I understood from the deposition
19 that I took this morning of Sergeant -- well, he's
20 now Lieutenant McCurley, but then-Sergeant McCurley,
21 that he was giving fairly consistent briefings to
22 Captain Theetge and then less frequently but still
23 briefings to Chief Blackwell about the case involving
24 Jason Cotterman. So when you took over as chief,
25 first of all, were you getting consistent briefings

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1 that nature would come to me.

2 Q. Right.

3 A. I can't even -- I'm not certain if Jason's
4 report came to me or not -- if that was done before.

5 Q. Did you have an understanding -- and there
6 was some publicity associated with this case that --
7 you may or may not have an understanding. Did you
8 have an understanding of what the allegations were
9 against Jason Cotterman?

10 A. Loosely, from what I can recall now. I'm
11 sure at the time, reading it then would have been a
12 lot fresher, but now if I could recall -- I remember
13 the basic circumstances around it.

14 Q. Well, one thing we were looking at in some
15 detail this morning were the complaints that were
16 actually filed in the prosecution's office that had
17 Sergeant McCurley's affidavit on the bottom of them.
18 And essentially it was dereliction of duty for
19 failing to arrest an Officer Mitchell -- at that time
20 it was sergeant, now lieutenant, who had struck a
21 telephone pole in the wee, small hours of the
22 morning.

23 And the question I'm going to ask of you is
24 the same one I asked of Lieutenant McCurley this
25 morning, and that is: Apart from Sergeant Sulfsted

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1 about Jason Cotterman?

2 A. I was not. The responsibility of the
3 internal investigation section was placed with
4 Lieutenant Colonel Bailey.

5 Q. All right.

6 A. So he was spearheading most of that. And
7 until we were able to promote assistant chiefs, it
8 was just he and myself at that level. And then we
9 had Captain Doug Wiesman assisting us as an acting.

10 Q. So it sounds like your plate was pretty
11 full.

12 A. Very full.

13 Q. As was his?

14 A. As was his.

15 Q. So did you ever have a chance to drill down
16 deep and find out the whole situation involving Jason
17 Cotterman?

18 A. I did not. At that point it had already
19 been taken by the prosecutors and that process was
20 well underway.

21 Q. All right. So you yourself had no
22 involvement with internal at the time of prosecution
23 recommendations being made?

24 A. Not -- not a drill down as you asked. I
25 mean, obviously the final reports, those things of

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1 and Jason Cotterman, are you aware of any police
2 officer in the entire State of Ohio that has ever
3 been prosecuted for failing to issue a citation?

4 A. I am not.

5 Q. Are you familiar with officers that have
6 gotten into traffic accidents and not gotten
7 citations?

8 A. Absolutely.

9 Q. In fact, you fall into that category;
10 correct?

11 A. Absolutely.

12 Q. And as a general rule, isn't it true that
13 the Cincinnati Police Academy teaches officers that
14 there are times when verbal warnings and written
15 warnings are appropriate?

16 A. Correct.

17 Q. And that's because it is important for a
18 police and its citizenry to have good communications,
19 and you're really about safety -- public safety;
20 right?

21 A. I think it's about being able to determine
22 fault, determine to take the appropriate action in
23 the appropriate circumstance.

24 Q. All right.

25 A. There is a, a -- a deal of discretion that

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1 is afforded to do this type of work.

2 Q. All right. Are you familiar with an
3 allegation that Chief Blackwell had had a special
4 relationship with an officer named Kevin Jones, who
5 is now deceased?

6 A. A special relationship?

7 Q. In that he ran favors for him.

8 A. I am not aware of that.

9 Q. Okay. The testimony we heard this morning,
10 and I'll be corrected, I'm sure, by Ms. Bissinger --

11 MS. BISSINGER: I'm already shaking my head.

12 Q. -- if she thinks I get it wrong. But the
13 testimony that I heard from Lieutenant McCurley this
14 morning was that they went in to see Chief Blackwell,
15 he called them in when they were going to see the
16 Hamilton County Prosecutor. And that Chief Blackwell
17 told them at first he did not want them to see the
18 Hamilton County Prosecutor. And in fact, Sergeant
19 Scalf testified that Chief Blackwell was pushing back
20 against the Kevin Jones case. Kevin Jones' case,
21 which you're probably familiar with because it was
22 reasonably famous, was Kevin Jones was intoxicated,
23 had a weapon with him off duty in a bar,
24 pistol-whipped somebody so bad that their head
25 swelled up. And that Sergeant McCurley at that time

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1 they are the same.

2 Q. Exactly. And wouldn't your long experience
3 in the Cincinnati Police Department lead you to
4 believe that this is conduct not only unbecoming of
5 an officer, but conduct that almost any reasonable
6 person would say merits prosecution?

7 A. Correct.

8 Q. All right. So tying the dots together, the
9 report already talks about Chief Blackwell having
10 used hostility toward certain individuals that you're
11 familiar with?

12 A. (Witness nodded head.)

13 Q. And also favoritism towards some
14 individuals. Did you observe that as well?

15 A. Yes.

16 Q. All right. So do you agree with me that the
17 policy of deciding whether or not somebody should be
18 prosecuted or not prosecuted should not be based on
19 command influence, but rather be based on the facts
20 of the case?

21 A. That, I do agree.

22 Q. All right. So to the extent that Chief
23 Blackwell exercised command influence to get the
24 unprecedented step of prosecuting police officers for
25 not writing a ticket to a fellow police officer --

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1 and Sergeant Scalf believed that that merited
2 prosecution, but that Chief Blackwell, according to
3 Sergeant Scalf, pushed back with another case
4 involving --

5 MS. BISSINGER: What the testimony was was
6 it merited going to see the prosecutor about it. The
7 prosecutor would decide whether to bring charges.
8 That's what the testimony was.

9 Q. Well, of course the prosecutor will always
10 decide whether to bring charges or not, but the point
11 was that they could not understand Chief Blackwell's
12 pushback in saying that this was comparable to a case
13 where an off-duty police officer got into a fight
14 over somebody who was having an affair with his wife,
15 that they believed these fell into two different
16 categories. And that they believed that anybody of
17 reasonable -- well, I won't go that far.

18 Would you agree with Chief Blackwell, just
19 based on the facts that I've outlined, that a case
20 where you pistol-whip somebody while you're
21 intoxicated off duty with your police weapon in a bar
22 while you're drunk is comparable to a police officer
23 getting into a fight with somebody over an alleged
24 affair with his wife?

25 A. Going into a bar with a gun, I would not say

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1 and again I'm saying to the extent that that
2 happened, you would agree with me that that was
3 inappropriate; true?

4 MS. BISSINGER: I'm going to object because
5 that is assuming a gigantic fact that is not in
6 evidence in this case. No one has said that Chief
7 Blackwell influenced this investigation at all. And,
8 in fact, McCurley and Scalf said it never happened,
9 and they were the primary investigators.

10 MR. CROSKERY: Actually, I beg to disagree.
11 I'm not disagreeing about what they say, but there is
12 a couple huge facts that you haven't seen yet that I
13 think will demonstrate very clearly what I'm talking
14 about. And I'm asking him an assumption question.
15 BY MR. CROSKERY:

16 Q. Assuming for a minute that Chief Blackwell
17 did exercise command influence to get this
18 prosecution underway for reasons known to him that
19 had nothing to do with the facts of the case, would
20 you agree with me that that was inappropriate?

21 A. I believe he should stick to the facts.

22 Q. Absolutely. And in fact, if you look at the
23 facts of this case -- and you may not have had a
24 chance to look at the facts very deeply, but I've had
25 a chance to look at them extremely deeply. And I've

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1 had a few disquieting things that bother me that I
2 want to ask you a couple questions about.

3 The first is that there was a Specialist
4 Pike involved in this case. And Specialist Pike made
5 allegations that Jason Cotterman handled the
6 situation incorrectly. Jason was the first guy on
7 the scene. He sees Officer Mitchell has, has run his
8 van into a telephone pole.

9 Now, there's been a 911 call. And this 911
10 call comes from another witness, a Mr. Lacey, I
11 believe. The 911 call claims that this van is
12 driving -- careening around the road. Jason
13 Cotterman does not have access to that 911 call. He
14 hasn't seen the witness or talked to him. However,
15 the witness shows up and sees Specialist Pike.

16 And the witness, without disclosing the fact
17 that there's also a woman in the car that has some
18 warrants, tells Specialist Pike that this officer was
19 weaving and was drunk and was going down the road and
20 had run two stop signs and he had seen all of this.
21 That's what Lacey says.

22 So Specialist Pike makes a complaint to the
23 police department -- makes the complaint that same
24 night. Here's what Cotterman does, and all of this
25 is in the record: Cotterman takes Mitchell, places

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1 him in the back of his car. According to Cotterman,
2 Mitchell does not give signs of intoxication.
3 According to Cotterman, his eyes are clear, his
4 speech is not slurred, but Jason is concerned about
5 injury because there's been an automobile accident.

6 And Jason evaluates him. Mitchell is
7 complaining of nausea, he's complaining of dizziness.
8 And in Cotterman's experience this is consistent with
9 a head injury, a concussion, so he puts him in the
10 back of the police car -- oh, he also is complaining
11 of being cold. He puts him in the back of the police
12 car, turns the heater on to observe him.

13 According to Cotterman, from his experience,
14 if you put someone in with heat in the back of the
15 car, if there is an alcohol odor, it will be easier
16 to detect because he will be sweating it out and it
17 will be in a confined space. According to Cotterman,
18 he does this.

19 His assessment is he doesn't have enough,
20 based on what he knows, to even administer a field
21 sobriety test. However, there is an officer
22 involved, so what Cotterman does is call his
23 sergeant -- the sergeant on duty and say, Sergeant
24 Sulfsted, we have an accident involving an officer,
25 an Officer Mitchell. And Sergeant Sulfsted directs

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1 that Officer Mitchell be taken to the police station,
2 which Jason does.

3 Now, so far, assuming nothing else -- I'm
4 going to get to the rest of it in a minute, but
5 assuming nothing else, do you see anything wrong with
6 the way that Cotterman has handled it, as I've
7 described it?

8 A. Not based on what you said.

9 Q. All right. But there's more. Pike's
10 version is a little different. Pike's version is
11 that he's talked to this guy that has seen,
12 supposedly, Officer Mitchell's van weaving back and
13 forth in the street and that this Mr. Lacey has
14 indicated that Mitchell had run a couple of stop
15 signs. Now, if you just had that information,
16 someone who you didn't know had come up to you and
17 said, I've seen this car weaving all over the street
18 and running a couple stop signs, would you just take
19 that as fact without further investigation or would
20 you believe it merited investigation?

21 A. Based on the fact that there is an auto
22 accident, it merits further investigation.

23 Q. Exactly. It merits. That doesn't mean that
24 you take it as a hundred percent true, but you would
25 at least investigate. So would you agree that that

Page 24

1 was an important thing for Jason Cotterman to know,
2 that there was a witness there who was claiming that
3 he had seen Officer Mitchell weaving back and forth?

4 A. Definitely pertinent.

5 Q. So Specialist Pike would have had a duty at
6 that point to tell Jason Cotterman, I have here a
7 witness -- a witness that claims that that officer
8 was weaving all over the road; correct?

9 MS. BISSINGER: Objection to the term duty.

10 MR. CROSKERY: Well, I'm going to use it.

11 A. He should -- he should have made him aware.
12 BY MR. CROSKERY:

13 Q. Would you say he has a duty to do that?

14 A. I would say he certainly has a
15 responsibility to do it.

16 Q. He's on the scene?

17 A. It makes sense.

18 Q. Yeah, he's on the scene. It makes perfect
19 sense. Now, in the trial -- I'm assuming you are a
20 busy man. You probably did not sit through the
21 trial?

22 A. I did not.

23 Q. So you did not hear the testimony of the
24 expert witness from Columbus, the lieutenant who came
25 down who heard the whole facts of the case,

Page 25

1 correct -- I'm sorry, Hoff --

2 A. Lieutenant Hoffbauer?

3 Q. Lieutenant Hoffbauer. You didn't hear any
4 of that testimony?

5 A. Um-hmm.

6 Q. And you probably weren't aware that at the
7 end of the testimony the lieutenant ended up saying
8 on the record that he believed that the person that
9 was at fault here was not Jason Cotterman or Sergeant
10 Scaff, but Specialist Pike for not doing his duty and
11 telling them what he knew.

12 A. Yes. I'm aware that Lieutenant Hoffbauer
13 expressed that.

14 Q. He did express that after he had a chance to
15 hear all the facts, not just the facts that had been
16 brought out in --

17 MS. BISSINGER: I'm going to object because
18 I don't know -- I don't think any of us know all the
19 facts Hoffbauer had, if he read every single
20 investigation, if he listened to every single
21 interview, if he read every single document. I don't
22 think that's in evidence.

23 MR. CROSKERY: Well, thank you, Ms.
24 Bissinger; your objection is noted. But what I was
25 referring to is all of the facts that he heard

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1 eventually gets a Garrity warning and then he's put
2 up for a fitness for duty evaluation.

3 Now, this fitness for duty evaluation is
4 based in part, according to Dr. Daum, on a series of
5 military medical records from Jason Cotterman's
6 performance in the Marines over a decade ago.

7 MS. BISSINGER: I'm going to object because
8 the facts as they are in evidence, as Darla testified
9 to and as her timeline shows, Mr. Cotterman was
10 declared unfit for duty before Dr. Daum even had
11 those records. After Dr. Daum got those records, he
12 declared him yet again unfit for duty.

13 Q. So what happens is Dr. Daum ends up with
14 military medical records. I see you've had some time
15 in the Army because you're wearing the badge that
16 says that. Tell me about that. What was your
17 military service?

18 A. I spent six years in the Army National
19 Guard.

20 Q. What was your unit?

21 A. The 147th Infantry.

22 Q. Okay. So you -- you didn't have any
23 experience as an adjutant or an --

24 A. No.

25 Q. Were you a basic grunt or --

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1 testified about in the case, because I'm assuming
2 that the prosecution made the decision to put the
3 facts into evidence that they thought were most
4 relevant.

5 MS. BISSINGER: There was a separation of
6 witnesses. Hoffbauer did not sit there for the
7 entire trial, I don't believe.

8 MR. CROSKERY: Actually he was an expert
9 witness and he did hear the relevant testimony.

10 MS. BISSINGER: How do you know that?

11 MR. CROSKERY: That's a --

12 MS. BISSINGER: That's an assumption on your
13 part.

14 MR. CROSKERY: No, that's in the transcript.
15 Anyway, moving right along. Your counsel is, I
16 think, interposing an objection so I'll try to --

17 MS. BISSINGER: Any time I speak it's an
18 objection, even if I don't say it. Yes, it is.

19 MR. CROSKERY: All right. Your objection is
20 noted.

21 BY MR. CROSKERY:

22 Q. So the next thing that concerns me a little
23 bit about this case is after the judge comes back --
24 after Judge Berkowitz comes back with a not guilty
25 verdict -- my client has been Mirandized, but he also

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1 A. I was a grunt.

2 Q. All right.

3 A. Common man.

4 Q. All right. But you've been through the
5 system and you probably have some understanding of
6 how you get military medical records if you need
7 them.

8 A. Other than a request, yeah.

9 Q. That's how you do it. You do it through a
10 request. And the request can come -- for example,
11 the testimony is that your recruits all have their
12 DD214s --

13 A. Correct.

14 Q. -- sent so you can see whether or not, you
15 know, they've been in the military, they have an
16 honorable discharge?

17 A. Correct.

18 Q. And if they don't have an honorable
19 discharge, they're probably not going to be serving
20 on the Cincinnati Police Department.

21 A. Correct.

22 Q. So that's a screening criteria. You've got
23 to have at least an honorable discharge?

24 A. Correct.

25 Q. But the testimony that I've gotten from your

1 officers to this point is that they normally don't
2 have records past that, such military medical records
3 we're talking about as existed in Jason Cotterman's
4 case?

5 MS. BISSINGER: That's not the testimony.
6 The testimony is they haven't seen military records
7 typically in an investigation. Military medical
8 records is your term of art.

9 Q. Well, here's the records I'm talking about.
10 When Jason was in the marines, he was -- he got an
11 expedited early discharge. And it was based upon an
12 incident, a somewhat fictive incident that was meant
13 to get him out of a rough situation that was highly
14 embarrassing for Jason. Specifically the incident
15 involved allegations of assault by other members of
16 his unit and fairly -- fairly gross allegations of
17 assault. This was not consistent with Jason's image
18 of himself.

19 So there are two sets of records. One set
20 that talks about this incident, which is somewhat
21 fictive and fairly gross. And another set of records
22 that deals with him talking about the reason why this
23 story is in there. But in either case, what
24 eventually happens is his battalion commander looks
25 at the whole situation, evaluates it, and he gets an

1 honorable discharge. Not a general discharge under
2 honorable conditions, but an honorable discharge.

3 Now, without Jason having signed any
4 authorization that we can find anywhere, somehow the
5 Cincinnati Police Department ends up with this first
6 set of what I've called military medical records and
7 what your counsel has called my term of art,
8 involving allegations about what he believed happened
9 to him?

10 MS. BISSINGER: I'm going to object because
11 if you look at the military records in full, there
12 are multiple reasons why Mr. Cotterman was let go
13 from the military. That's one of the reasons, but
14 there are multiple reasons including failure to
15 follow the rules, pulling out a knife when he was on
16 leave at home -- and there are a number of things.

17 MR. CROSKERY: That's not his military
18 medical record, but --

19 MS. BISSINGER: Well, those are his military
20 records. I don't know what military medical records
21 mean because again that's your term of art.

22 BY MR. CROSKERY:

23 Q. Let me ask my question. My question is
24 this: These records which have some false
25 information in them and did not sway the battalion

1 commander -- the battalion commander gave him an
2 honorable discharge from the United States Marine
3 Corps -- and we have been looking at how and why the
4 Cincinnati Police Department ended up with these
5 records. And my first question was why.

6 Why in the world would the Cincinnati Police
7 Department, once he has met that screening criteria
8 for getting an honorable discharge, treat him
9 differently than any other police officer that we
10 have been able to find so far, and pursue getting
11 those records which have some question as to their
12 authenticity and value?

13 First of all, have you had any involvement
14 in procuring those records?

15 A. No.

16 Q. This is the first time you've heard about it
17 today?

18 A. I've not -- as preparing for this, I was
19 told that there were some military records that were
20 in question. In having a conversation with Dr. Daum,
21 he told me there were military records. As to where
22 they came from, I have no idea.

23 Q. Well, and this is the concerning part to me,
24 because -- and it didn't happen under you, it
25 happened apparently under Chief Blackwell, I'm not

1 sure -- but someone-or-other goes out and targets
2 something that so far we've not been able to find any
3 other police officer, either in this police
4 department or any other, where this same thing has
5 happened. Where somebody has gone out and pursued
6 getting these records.

7 So far, every single person I have talked to
8 in your police department says that this is the only
9 time that they know that it happened. So let me ask
10 you, do you know of another time, apart from Jason
11 Cotterman, when someone targeted, after they had
12 already become a police officer, getting additional
13 military medical records?

14 A. I've never seen a situation where someone
15 was being medically declared unfit and there was a
16 military history involved. So in my experience, I've
17 just not seen this circumstance occur before, that I
18 can recall.

19 Q. Well, you weren't involved in authorizing
20 someone to make this special pursuit of his medical
21 records, were you?

22 A. I was not.

23 Q. Have you -- I'm assuming you want the
24 Cincinnati Police Department to do things the proper
25 and correct way?

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1 A. Absolutely.

2 Q. And you want them to follow the proper
3 policy and procedure, and you want the police
4 department to protect people's rights, even if
5 they're police officers; true?

6 A. Absolutely.

7 Q. You don't want HIPAA violations; correct?

8 A. Correct.

9 Q. So in discharging their duties as part of
10 investigations, is that still true? Should
11 investigations still follow due process and go
12 through the correct hoops in order to get records?

13 A. Absolutely.

14 Q. Well, let me ask you this: Assuming for a
15 moment that the correct hoops were not gone through
16 and the correct procedures were not followed, is it
17 proper to rely upon the evidence that has been
18 obtained in order to take administrative actions
19 against my client, in your view?

20 A. I have no knowledge that that has occurred.
21 And I know that through investigative techniques
22 evidence is obtained. Now, there are -- there are
23 rules of law, obviously. My summation of that is if
24 they were not entitled to get this, how did we get
25 these?

1 you just don't walk out -- even if you're the chief
2 of police, you can't waltz into St. Louis and say, I
3 want a copy of someone's military records, and have
4 them. You either have to have a request from the
5 soldier or a release from the soldier and so far
6 nothing in the city's paperwork has turned up either
7 one. So that's concerning to me and it may be
8 concerning to you. I don't know. The point is --

9 MS. BISSINGER: Are you asking a question?

10 MR. CROSKERY: I'm about to.

11 MS. BISSINGER: I feel like you're
12 testifying or making a closing argument. Do you have
13 a question?

14 MR. CROSKERY: Well, I have lots of
15 questions.

16 MS. BISSINGER: Okay.

17 MR. CROSKERY: Just give me a chance. I'm
18 doing a job.

19 MS. BISSINGER: Well, you're having a lot of
20 leeway.

21 BY MR. CROSKERY:

22 Q. I don't want to waste your time. We have a
23 folder that has a complete set of all the requests
24 that have ever been made to the military for Jason's
25 records.

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1 Q. Well, that's a very good question, Chief,
2 and it's one I've been pursuing for several months
3 trying to figure it out.

4 A. I would assume that if we got them, we were
5 entitled to get them.

6 Q. Well, I would assume that also, except for
7 this: Normally speaking, any good investigator
8 documents what they do. They take notes in
9 interviews. They may have somebody observe. They
10 send out a subpoena. They send out a letter of
11 request.

12 We've asked for all of that from the City.
13 We've asked the City, please show us how these
14 records were obtained. Please show us the documents.
15 Please show us whatever request was sent in. Please
16 show us anything that you have. And thus far we've
17 come up empty, the city has not been able to tell us.

18 Now, I do have a deposition scheduled with
19 someone that Colonel Bailey and others have indicated
20 -- Captain Butler has indicated may have information
21 on it. Her name is Michele Longworth and I'll ask
22 her about it in more detail. But at this point I
23 haven't seen anything that I would expect to see, as
24 having been a former adjutant and somebody who is
25 very familiar with military paperwork, I know that

1 A. From Jason or from --

2 Q. From everybody.

3 A. Okay.

4 Q. From Jason and the police department.

5 A. Um-hmm.

6 Q. I represent to you there is one from the
7 police department.

8 A. Okay.

9 Q. That was for his DD214, which was something
10 that he authorized, but there is nothing else in the
11 military medical records. And the people that keep
12 the record copy -- the only copy that's authorized,
13 there is no other authorization anywhere. So that's
14 why I'm so befuddled.

15 In fact, Jason went further and checked with
16 other -- in addition to the National Personnel
17 Records Center, checked with other agencies, Veterans
18 Administration, others, just to see whether or not a
19 copy was out there; answer keeps coming back no. So
20 the great mystery is how somebody from the Cincinnati
21 Police Department, without it ever being noted, got
22 ahold of these records. They sent them a copy. The
23 Archives, apart from this one place they're supposed
24 to be don't have a copy, VA doesn't have a copy, so
25 it must be a brilliant investigative technique of

1 some sort and maybe I'll try that.

2 My question to you is this: Do you have any
3 explanation of how that happened?

4 A. I have none.

5 Q. And you certainly didn't direct it and you
6 wouldn't say that it was proper to direct going
7 around it?

8 A. I certainly did not direct it.

9 Q. And you wouldn't say that it was proper?

10 MS. BISSINGER: I'm going to object.

11 A. But I haven't given any direction on that.

12 Q. All right. So Colonel Bailey, who is over
13 the whole thing, indicated that he didn't direct the
14 obtaining of these records, either. And do you
15 believe that it would be within the authority of
16 somebody in the unit to decide to go around the Army
17 system and obtain the records on their own? Is that
18 part of good police work?

19 A. I don't know that that occurred. And I know
20 that step-by-step directions for every bit of
21 documentation that is obtained is not given --
22 especially from the assistant chief or the chief's
23 level.

24 Q. Of course not.

25 A. Right.

1 Q. But violations of protocol and violations of
2 individual's rights, that is something that is of
3 concern at the assistant chief's and chief's level;
4 true?

5 A. It would be a concern if, in fact, it did
6 occur. I haven't --

7 Q. All right.

8 A. I've not verified that that occurred.

9 Q. Well, I can't verify it for you for sure
10 that it occurred, either, at this point. I can just
11 tell you I don't know what did happen.

12 I want to look now at Sergeant Sulfsted.
13 Are you familiar with some text messages that were
14 exchanged between Cotterman -- Jason Cotterman and
15 Sergeant Richard Sulfsted?

16 A. Loosely. I believe it was in -- as part of
17 the story in the paper, yeah.

18 Q. Part of the trial?

19 A. Yeah. Part of the trial.

20 Q. And then also there was -- I didn't mean to
21 interrupt.

22 Also there was an administrative action that
23 was later taken saying that those text messages were
24 inappropriate. Do you recall that?

25 A. Yes, vaguely. Do you have the internal

1 report?

2 Q. I do. I think actually there's a couple of
3 them here. I'll give you that one. This is marked
4 as Exhibit 4.

5 MS. BISSINGER: Thank you.

6 Q. This one is marked as Exhibit 17. Basically
7 I'm just giving them to you -- I'm assuming you
8 probably have seen this paperwork before. It's got
9 your name at the top of it and it's from Lieutenant
10 Craig Gregoire?

11 A. Um-hmm.

12 Q. The internal investigations unit commander,
13 acting. Now, can you describe for me, because you'd
14 be far more familiar with this than I am --

15 A. These are the results of the peer review
16 panel for Sergeant Sulfsted. I'm looking here, this
17 was regarding February -- dated February 22nd of '17,
18 that he was issued a written reprimand. And in this
19 one, it was the -- the penalty was reduced to no
20 penalty. No discipline on that one.

21 Q. All right. If you look at the second to the
22 last page of Exhibit 4, which is five, you've got an
23 IIU case number 15033, which I'll tell you is the
24 same case number that we were talking about this
25 morning that was used to initiate the prosecution.

1 Do you see that?

2 A. Yes.

3 Q. And at the end of this, what does the --
4 what does a finding of no discipline mean?

5 A. He was given a written reprimand and the
6 peer review panel reduced it to no discipline.

7 Q. All right. So if I understand no discipline
8 right, it means it has no adverse effect on his
9 record; is that right?

10 A. There's no discipline on his record.

11 Q. All right. So does the fact of the -- of
12 the reprimand stay on his record?

13 A. The reprimand was reversed and no
14 discipline, so there should be no reprimand on his
15 record.

16 Q. All right. So his file essentially will not
17 reference this incident; is that right?

18 A. It will not -- it will not reference the
19 reprimand.

20 Q. Okay. Won't reference the reprimand, but it
21 might --

22 A. That does not mean it won't reference the
23 investigation. There's no discipline for it.

24 Q. Okay. I understand.

25 A. Um-hmm.

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Q. So I suppose it could be taken into account by his supervisor when a performance review is being written or something like that, but it's not an actual administrative discipline?

A. Correct.

Q. And is that also true, just to speed things up, of Exhibit 17, that there was a reprimand issued that came out with no discipline?

A. Correct.

Q. And in this case, the incident that's being referenced is the same incident for which he was being prosecuted, that is failing give a citation to Officer Mitchell; correct?

A. Correct.

Q. Now, was Officer Mitchell eventually given a citation?

MS. BISSINGER: Object.

A. I believe by internal.

Q. By March -- yeah, the March 22nd incident, the same one we're talking about here?

MS. BISSINGER: Thank you.

Q. Was Officer Mitchell eventually given a citation?

A. I believe so.

Q. Misdemeanor four maybe?

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A. I believe so.

Q. All right. Does seat belt and failure to maintain reasonable control and reckless driving sound familiar?

MS. BISSINGER: If you know, Chief, if you can --

A. I don't know.

Q. All right. Did you ever come to any conclusion yourself as to whether or not Mitchell had been involved in drunk driving?

A. Did I come to any conclusion? My actions were based upon the process. And to say that I had a conclusion, no, this was initiated before me. No.

MR. CROSKERY: All right. Chief, I want to get you out of here as soon as I can. Let me take a little time to talk to my client.

THE WITNESS: Sure.

MR. CROSKERY: Let's take a break for a few minutes and I'll get right back in here to finish you up.

THE WITNESS: All right.

(Brief recess.)

MR. CROSKERY: Chief, I don't have any more questions for you. I appreciate your courtesy in coming in today.

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THE WITNESS: All right.

MS. BISSINGER: So Chief, you'll get a written transcript of your deposition and have an opportunity to read it and then sign off on it. You want it printed; correct?

MR. CROSKERY: Correct.

MS. BISSINGER: Okay.

MR. CROSKERY: We're ordering; he's reading.

MS. BISSINGER: Okay. Thank you.

(Witness excused.)

(Deposition concluded at 3:05 p.m.)

ELIOT ISAAC

DATE

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)
State of Ohio)
)

I, Lee Ann Goff, Notary Public in and for the State of Ohio, do hereby certify:

That the witness named in the deposition, prior to being examined, was by me duly sworn;

That said deposition was taken before me at the time and place therein set forth and was taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

That said deposition is a true record of the testimony given by the witness and of all objections made at the time of the examination.

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the outcome thereof.

IN WITNESS WHEREOF I have subscribed my name and affixed my seal this 6th day of September, 2019.

Lee Ann Goff, Notary Public
Commission Number: 2019-RE-791489

My Commission Expires: 8/26/24

1 State of Ohio)
2)
3)

4 I, Lee Ann Goff, Notary Public in and for the
5 State of Ohio, do hereby certify:

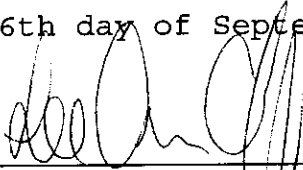
6 That the witness named in the deposition,
7 prior to being examined, was by me duly sworn;

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9 the time and place therein set forth and was taken down
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15 I further certify that I am neither counsel
16 for nor related to any party to said action, nor in any
17 way interested in the outcome thereof.

18 IN WITNESS WHEREOF I have subscribed my name
19 and affixed my seal this 6th day of September, 2019.

20 
21 _____

22 Lee Ann Goff, Notary Public

23 Commission Number: 2019-RE-791489

24
25 My Commission Expires: 8/26/24

AFFIDAVIT

STATE OF OHIO

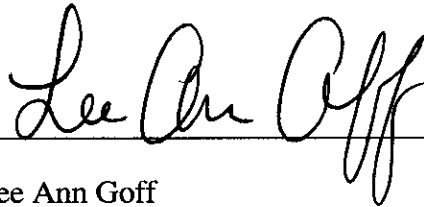
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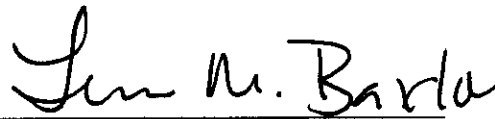
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I, Lee Ann Goff, a Notary Public for the State of Ohio, do hereby state that the deposition of **Eliot Isaac**, having been submitted to said deponent for review and signature, has not been signed within the time allowed under the Ohio Rules of Civil Procedure, said deposition to now have the same force and effect as though signed.



Lee Ann Goff
Notary Public
2019-RE-791489
My Commission Expires 08/26/2024

Sworn to me before this **16th day of October, 2019.**



Tina M. Barlow
Notary Public - State of Ohio
My commission expires 5/16/2024





Date: September 9, 2015

To: Mayor and Members of City Council

From: Harry Black, City Manager **HB**

Copies to: Paula Boggs Muething, City Solicitor
Georgetta Kelly, Director of Human Resources

Subject: Personnel Action - Jeffrey Blackwell

This memo is to inform you that this morning I terminated Jeffrey Blackwell's employment with the City of Cincinnati, for cause. My concerns regarding Mr. Blackwell's leadership of the Cincinnati Police Department ("CPD") are not new. Mr. Blackwell has not provided the necessary leadership to ensure a cohesive operating environment within the department. As such, morale is at an unprecedented low level, and the general sentiment throughout the department is that Mr. Blackwell's leadership style has created a work environment of hostility and retaliation.

Lack of sufficient and proper communication, particularly within the command staff, coupled with a consistent and pervasive disregard for the chain of command, have had a significantly negative impact on operating cohesion and effectiveness within the department. At a time in which our City, like so many across the Country, is facing a dangerous spike in violence, we simply cannot afford such ineffective leadership. I have repeatedly attempted to direct and assist Mr. Blackwell in addressing these shortcomings, but he has failed to take my direction and accordingly the problems have persisted. Several months ago as a means of addressing CPD communications and organizational unity issues, I solicited the assistance of an outside facilitator to conduct a team building session with Mr. Blackwell and top command staff. However, this effort did not lead to an improvement in working conditions within the department.

These concerns and others motivated me to conduct an exhaustive review of matters relating to the police department. This investigation uncovered serious problems with management and leadership. It is for that reason, and the reasons I will detail further below, that terminating Mr. Blackwell was the first and most important step toward creating a climate in the CPD that will allow it to flourish internally and provide our officers with peace of mind relating to their command structure. An effective leadership structure is essential for our officers to be able to focus their energy on the important and dangerous jobs we have charged them with performing in communities across the City of Cincinnati.

As the chief executive officer of this municipal corporation, I owe it to the men and women of the Cincinnati Police Department to understand the climate within which

they have been required to work, to acknowledge that despite those dire conditions our officers have continued to serve with distinction and honor, to further acknowledge that it is unreasonable to expect these officers to continue to serve with distinction in the existing toxic environment, and that it is my responsibility to take all necessary steps to ensure a professional work environment for our Cincinnati police officers. To fulfill this responsibility, I have taken a number of steps. First I reviewed the climate assessment report (copy attached). The contents of the report led me to consult with the highest ranking officers within the CPD command staff and civilian personnel. These one-on-one conversations, some of which are memorialized in written statements attached hereto, led to some alarming conclusions.

The formal and informal feedback solicited from a variety of sources indicates that Mr. Blackwell uses verbal abuse and insult to convey authority. This is one of the more troubling conclusions I have reached. It is important to note that the incidents that have been relayed to me span the spectrum of rank, gender, and race. Individuals have been threatened and berated, in the presence of subordinate officers, superior officers, and members of the public. This tactic has served to damage morale and has caused a number of officers and CPD civilian employees to seek treatment for anxiety and stress caused by this environment. The attached statements document specific instances of this type of behavior against Barbara Young, a police lieutenant, over a year ago, and more recently against Assistant Chief David Bailey and a civilian employee, Director of Communications Tiffaney Hardy. Each of the instances is corroborated by others.

Equally disturbing, a culture of hostility and retaliation instituted by Mr. Blackwell has put the integrity of the police department at risk. In reaction to the recent story regarding Mr. Blackwell's use of overtime, which chronicled the use of taxpayer money, Mr. Blackwell engaged in several documented and corroborated acts of retaliation. He illegally threatened Assistant Chief Bailey with termination because Mr. Blackwell believed the Assistant Chief was responsible for the story. Mr. Blackwell separately accused Tiffaney Hardy of the same offense and ordered an "investigation" into Ms. Hardy's actions. These are textbook acts of retaliation. It must be reiterated that the information reported by the Cincinnati Enquirer is public information that the Enquirer requested and that the City is required to share in response to such a request. The incidents described here suggest that Mr. Blackwell expected his subordinates to risk defying state law in order to protect his image and, when they did not, engaged in acts of retaliation against them.

Mr. Blackwell has also demonstrated a disregard for the chain of command. Within the CPD, as within any law enforcement organization, adhering to the procedures established by the department and respecting the chain of command is critical to the success of the organization. Mr. Blackwell has alienated and disregarded his executive team – the assistant chiefs – which in turn has led to poor communication to the remaining command staff regarding departmental changes, direction, and objectives. Normally, the command staff would report such information to their direct reports in the districts and other units. Under Mr. Blackwell's management, even this basic communication model was not followed. Instead, Mr. Blackwell hand-selected a group of officers who are not within the leadership structure of the organization and relied upon those individuals in order to make and communicate decisions related to the organization.

Such actions outside the chain of command have had a direct negative impact on departmental wide communications. As an example of ignoring chain of command and expertise, Executive Assistant Chief Eliot Isaac described the haphazard way Mr. Blackwell made redeployment decisions without proper deliberation, consultation, or evaluation of the consequences for other units or divisions within the department. This type of poor decision making and communication unnecessarily placed the public and police officers at risk.

Morale is at unacceptably low levels, which hinders department cohesion and effectiveness at a time of great need. The attached Climate Assessment Report, conducted by an independent consulting firm, demonstrates that the vast majority of the police personnel are demoralized and that Mr. Blackwell's leadership style and actions are to blame. Some of the negative assessments and feedback are shocking. "81.5% of survey respondents believe the department has ineffective communications from the Police Chief down to the Patrol Officers." "Police Chief has not clearly defined and communicated a strategic plan, departmental mission or direction." "According to the electronic survey results, on a 10-point scale (10 being excellent), respondents [485 individuals surveyed] rated the overall employee morale at a 2.29."

The findings of the climate assessment have been corroborated by my own investigation. Executive Assistant Chief Eliot Isaac describes the morale to be at an "all-time low... worse than the aftermath of the 2001 civil unrest." Specialist Scotty Johnson states that in his 29 years of service, "I have never witnessed such hostility and lack of respect for employees. These conditions have directly contributed to the low morale and displeasure pervasively haunting the Cincinnati Police Department." Based on my investigation and the climate assessment report, I have concluded that Mr. Blackwell is the primary reason for the low morale.

Mr. Blackwell has also disregarded established procedures for issues such as overtime assignments and has been less than forthright in describing his personal involvement in overtime assignments when directly questioned by members of the elected leadership of the City and members of the City administration. Overtime documents clearly indicate that Mr. Blackwell "pre-approves" overtime for certain individuals for matters that he alone determines to be worthy of overtime, and does so without consultation with the relevant officer's commanding or supervising officers. It has also come to my attention that certain members of Mr. Blackwell's favored group of officers have inappropriately received overtime benefits in excess of what was required by departmental needs. Mr. Blackwell appears to have initiated retaliatory acts against Ms. Hardy when she raised legitimate questions about the use of overtime. The amount of overtime given to people close to Mr. Blackwell requires further investigation to determine whether it constitutes mere favoritism or rises to the level of an inappropriate use of police funds.

In addition to the overtime issue, the documentation of Mr. Blackwell's own work hours is not credible. Mr. Blackwell's travels are well documented and his family continues to reside in Columbus, Ohio, but he has only taken eight hours of vacation in two years of employment with the City. Many officers have described being unable to reach Mr. Blackwell during critical public safety moments even at times when Mr. Blackwell was recorded as in town. Mr. Blackwell has used so little vacation time that he "maxed out"

the amount of vacation time he can roll over into the next year, an unprecedented accrual of vacation after only two years of employment.

I have also learned that Mr. Blackwell has failed to meet an important responsibility as Chief of Police by failing to ensure the integrity of the work environment for the inspections unit and work product for the internal investigations unit, both of which fall within the Professional Standards Section. The work of the internal investigations unit is of the utmost sensitivity and importance. It is critical that the work of this unit remains unimpeachable. And yet, Mr. Blackwell failed to ensure adequate tracking of reports and in some instances lost reports that were submitted to him for final review and failed to timely review and release reports from the internal investigations unit with some reports languishing on his desk for as long as six months to one year.

The attached statements of officers Barbara Young and Ryan Smith demonstrate that Mr. Blackwell engaged in retaliation against the inspections unit for raising legitimate questions about the integrity of their work space for conducting inspections and simply uprooted the unit into an inappropriately secure space without consulting the commanding officer or supervising assistant chief. The statements indicate that Mr. Blackwell went so far as to verbally abuse Lt. Young in the presence of her subordinate officers, without her supervising officers present or even aware of the actions Mr. Blackwell was taking.

Mr. Blackwell also summarily ended the authority of the unit to conduct overtime audits. As a recommendation of the City's Internal Audit team, these audits were conducted quarterly by the inspections unit and had been conducted as such for several years. In order to conduct these audits, the inspections unit would randomly identify officers throughout the department and perform a simple audit by ensuring that each officer had completed the appropriate forms and that all necessary signatures were obtained for each overtime expenditure. When a member of the Quality of Life Enhancement Team complained to Mr. Blackwell that his/her overtime was the subject of such an audit, Mr. Blackwell summoned Lt. Young into his office. He then proceeded to question her authority to conduct the audits and to admonish her for conducting the quarterly audits without the benefit of a conversation with her commanding officer. The inspections unit has not completed an overtime audit since that incident in early 2014.

Another conclusion reached through interviews with members of the department is that Mr. Blackwell has an unprofessional obsession with publicity and self-promotion, even at the expense of management and the morale of the police department. A particularly egregious and insensitive example is Mr. Blackwell taking "selfies" along the procession route of slain officer Sonny Kim. Mr. Blackwell was in a car that was traveling the procession route, from which he took "selfies," and then later walked along the procession route taking "selfies" with citizens along the route, in a manner that was more reflective of a parade rather than a funeral procession. The climate assessment report also reports widespread complaints about Mr. Blackwell's focus on his own publicity and self-promotion.

Mr. Blackwell also used his position to extract tickets to sporting events from then Commander of the Central Business District, Capt. Paul Broxterman. On several occasions Mr. Blackwell, either personally or thru his staff, would request that team

contacts be utilized to acquire tickets for his personal use for an upcoming game. He was provided with access to tickets at no cost, however, upon repeated requests, Capt. Broxterman became increasingly uncomfortable in reaching out to his contacts on behalf of Mr. Blackwell. Finally, Mr. Blackwell was offered access to tickets at full price; once he was informed of the cost associated with the tickets, Mr. Blackwell was no longer interested in acquiring tickets for that game.

This is only a summary of the reasons leading to my decision to terminate Mr. Blackwell. Sadly, there are many other failures and instances that have contributed to my decision. I thank the brave women and men in uniform for their dedication and service to the City and the civilian work force that works hand in hand with our officers to ensure that the police are able to effectively perform their duties. It is my duty and responsibility to these employees of the City of Cincinnati, and to the citizens of this City, that has led me to make this very difficult but necessary decision. Cincinnati has come a long way through hard work, critical self assessment, and engaging the community. It would be a failure to allow poor, or at least incomplete, leadership at the top of the CPD to jeopardize the progress made. If a Police Chief is adept at community relations but completely fails to communicate his vision or to explain to subordinates how the department's deployment plans are designed to improve community relations, his strength in that area is completely wasted.

This is a critical time in the country and in Cincinnati for relations between law enforcement and the citizenry, and the department needs to move forward. We are reaching out to community leaders and stakeholders during this time of transition. We will also be communicating internally to ensure that the members of the police department are kept abreast of important matters during transition. It is essential for the officers on the street, their supervisors, and the whole chain of command to experience clear, uniform communication through the leadership structure; equal treatment and authority appropriate to rank; respect and appropriate protocol in correction and discipline; and support rather than retaliation in the face of constructive complaints or suggestions. If we do not ensure that our police officers feel this support within the department, we risk attrition, apathy, and even deterioration of department values in the long term.

To ensure continuity in police department operations and also to take the first step in forward movement described above, effective this morning, I made the following interim appointments:

Eliot Isaac, Interim Chief of Police
David Bailey, Interim Executive Assistant Chief of Police
Douglas Wiesman, Interim Assistant Chief of Police

These appointments will begin the process of allowing the department to heal itself and quickly reestablish operational integrity, communications, and moral cohesion and stability. I will be working with the command team to permanently fill all leadership vacancies. I will keep you apprised.

Personal Statements

7-10-14

Kathy Harrell, FOP President
 Queen City Lodge 69
 1900 Central Parkway
 Cincinnati, Ohio 45214

President Harrell,

I, Barbara M. Young, Commander of Inspections Unit, respectfully submit the following response to a meeting held in the Chief's Conference Room held on July 8, 2014, at 3:00pm.

Background:

- Inspections Unit was told approximately 3 months prior to this meeting that they were going to move from the Spinney Complex to District One. Safe Streets was moving from District One into Inspections Unit's space at the Spinney Complex. I was informed this was in the best interest of the Department.
- There was a meeting between Captain Russ Neville, Captain Terri Theetge, Lieutenant John Cordova and myself regarding the specifics of the move. Basically, we all agreed we would make the new space for Inspections Unit comparable to the original space at Spinney in space and security.
 - Carpet and paint for Inspections would be looked into for next year's budget
 - Locks- all doors would get locks
 - Looking into getting a door in between the Quality of Life Office and Inspections Unit Office closing off access to the other offices and keeping Inspections Unit secure.
 - We were unsure who Vonda Morgan worked for, but were assured she would be moving out of the Inspections Unit new space prior to us moving.
 - Numerous other issues like moving companies, completed forms, dates ect.
- Inspections Unit personnel were not excited with the move, BUT complied with the directive, assisted with the packing and unpacking for the move and cleaned the old space to make it acceptable for Safe Streets personnel.
- Safe Streets personnel left their location at District One extremely dirty with a mound of trash, debris and broken furniture in the middle of the office area.
- Vonda was still in her cubicle after the move, directing not so professional comments at Inspections Unit personnel, while stating "I will not leave my space until I am personally told to leave by Chief Blackwell".
- Under my direction due to the prior meetings with my superiors, Inspections Unit personnel contacted facilities management to inquire about putting a door between the two offices and having locks put on the doors.
- I assisted in every effort to clean, move furniture and debris, and make the necessary agreed upon changes to assist with a professional secure work site for the Inspections Unit.

Meeting:

- At 2:45pm, I was told by Sabrina that the Chief would like to have a meeting with Inspections Unit personnel in the Chief's Conference Room. Sergeant Abe Lawson, Sergeant Ryan Smith, Sergeant Brian Norris and I attended the meeting. Chief Blackwell, Lieutenant Emmitt Gladden and Sergeant Donna Dees were also present for the meeting. I had no idea what the meeting was about, I thought maybe the Chief was welcoming us to District One and inquiring what we are responsible for within the Department. I was wrong.
 - As we were taking our seats, Chief Blackwell turned to me in front of my 3 subordinate sergeants and started to personally attack me for **45 minutes**. He started out with saying how he had heard I was unhappy about the move and that if that was the case he would transfer me immediately. Chief stated that I had personally brought down the morale with negativity for the entire 2nd floor. He asked who was I to ask for doors and locks and if I knew who can authorize such purchases? The Chief stated there was no reason to lock up our files or lock the doors. He said our Department is not under CALEA anymore. Inspections Unit personnel can lock their desk drawers. Chief made it clear that Inspections Unit's Office was to be open access 24/7. The Chief went on to say I had no authority to request paint and carpet. The facility we moved into was good enough for Safe Streets personnel and it is definitely good enough for Inspections Unit. Why do I think Inspections Unit deserves carpet and paint?
 - I had been in our new office for only 4 days following the directives from my superiors. I had only talked to 2 individuals, other than Inspections Unit personnel the whole 4 days, Michelle Faulkner and Officer Lisa Johnson. Officer Johnson was a tremendous help in organizing the office and moving certain desks into the Quality of Life Office. Michelle Faulkner was using the central copier and I explained, as I was told by my superiors, that we would be locking the doors soon and I believed a new copier would be provided for her use. But until that time, please go ahead and use this one. All of the plans for Inspections Unit new office space were discussed prior to the move, however now I believe now that no one had told the other office personnel on the second floor.

Conclusion:

- This is definitely the most unprofessional meeting I have ever been involved in over the last 24 years with the Department. I felt I was personally attacked and degraded by Chief Blackwell without cause and in front of the sergeants I supervise.
- The Chief did not consult with my direct supervisor, Captain Terri Theetge or even Ltc Paul Humphries over the issues he perceived with the move. If he would have consulted with his command personnel he would have been aware of the directives given to me. Where was the communication? Who did he get his information from? Inspections Unit personnel has no prior complaints.
- Moving from an office with a security system and locked doors, directives from my supervisors, I was doing exactly what I was directed to do in trying set up the most effective, efficient and professional work space for the Inspections Unit.

BMV

September-8, 2015

Subject: Police Chief Jeffrey Blackwell

I know Police Chief Jeffrey Blackwell to be a good man. As the Cincinnati police chief, I think he had the best of intentions to serve the city well. However, I believe there were times where his conduct was unprofessional, and overall, his management style did not foster a healthy environment within the Cincinnati Police Department.

From May 2013, to August 2014, I served as the Central Business Section Commander. Part of my duties involved being a liaison with the Cincinnati Reds and the Cincinnati Bengals. During that time, there were several occasions where the chief asked me, either personally or thru one of his staff members, to reach out to my team contacts to get him tickets for an upcoming game. Although I was uncomfortable in doing this, on two or three occasions, I was able to get him tickets at no cost. As the chief made repeated requests, I became increasingly uncomfortable in reaching out to my contacts. I believed the chief sensed this, because when he made a request on one particular occasion, he stated he would be willing to pay for the tickets. When I told his staff member how much the tickets would be, the chief was no longer interested in getting tickets for that game.

One evening, Cincinnati Bengals Coach Marvin Lewis asked Chief Blackwell to stop by the stadium and address his team after a team meeting. The chief gave a five to ten minute speech. As he was walking out of the meeting room, Chief Blackwell turned towards the team and stated, "I need tickets."

The Central Business Section has a small number of personnel. As the commander, I was always politicking to get more officers, as were all my fellow commanders. One particular day in 2013, Chief Blackwell attended a second shift roll call. He told the officers and myself he was going to increase our staff significantly within a week. That promise was never filled. Unfortunately, it was a common theme during his tenure. He would promise transfers and reallocation of personnel frequently, but rarely would it occur.

From August 2014, to June 2015, I served as the Patrol Administration Commander. During my time on the administration floor of headquarters, I experienced first-hand the dysfunction and lack of communication the chief had with his assistant chiefs. There are two sides of the administration offices – the chief's office is on one side and the assistant chiefs' offices are on the other. My office was next to the assistant chiefs' offices. I believe I saw the chief visit one of his assistant chiefs' offices once during my 10 months in that assignment. I listened to the assistant chiefs' frustration regarding the lack of communication and direction the chief had with them. They clearly felt powerless in the day-to-day operations of the Department.

As a member of the command staff, I feel that the Department currently lacks direction. Unfortunately, I believe the chief has little regard for the opinions and suggestions of his commanders. Instead, he relies on the counsel of his inner circle. The chief's inner circle, which

includes non-supervisors and civilians, is often allowed to circumvent the chain of command, leaving middle managers and command officers powerless. I believe morale among command officers is the lowest I have seen in my 27 years with the Department.

There is no doubt Chief Blackwell has excelled in community outreach. He is passionate in reaching out to the youth in our city and he strives to provide them with guidance and hope. Sadly, he has failed to do the same within our Department.

Respectfully,

Captain Paul F. Broxterman, Jr.

Professional Standards Section Commander

Paula Boggs Muething
9.4.15



Paula Boggs Muething, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

Paula Boggs Muething

Facing the possibility of a no confidence vote orchestrated by the Fraternal Order of Police, Chief Jeffrey Blackwell called a news conference on 9/2/15 in which he appeared to be outraged and shocked by this action. It is my intention for this document to illustrate the level of dysfunction caused to the Cincinnati Police Department under the management (not leadership) of Chief Jeffrey Blackwell. Keep in mind this document in no way will capture all of the events which have adversely impacted this agency over the two year reign of Chief Blackwell but they will provide at least my perspective of the current internal climate.

Management Team

In most functional police agencies business is conducted through regular collaboration with the Department's top commanders. From the onset, Chief Blackwell essentially ignored recommendations from his command staff and instead set up an alternative advisory team who he considered as "loyal". This group would regularly meet behind closed doors and make determinations regarding a myriad of operational issues. Once these decisions were made, they were sometimes never even so much presented as at least general information to the senior command staff. Initially, this body, referred to throughout the Department as the "real command staff", consisted of Ms. Ellie Topham, Ms. Sabrina-Burton Simonson, Lt. Emmet Gladden, Lt. Lisa Davis and members of the Public Information Office. Recently, however, the Police Chief alienated members of the Public Information Office and replaced their involvement with Lt. Danita Pettis. The reward for the Lieutenants' loyalty was unlimited and unsupervised overtime and on call status city owned cars, which was the subject of recent investigative media reports. Ms. Topham, not having the ability to receive overtime, was reportedly promised an expanded role in the Department. Officers in the field soon became resentful about what was perceived to them as the unfettered squandering of overtime by the Police Chief's Staff while their overtime is constantly scrutinized and limited by Department supervisors. Although the Police Chief denied personally authorizing this overtime at a recent Law and Public Safety Committee meeting held on 8/31/15, Department commanders have indicated otherwise and have documentation to support their claims.

Control of Auditing and Internal Investigations Functions

Prior to Chief Blackwell's tenure, the Department Inspection Section had the responsibility for various auditing functions. These audits were designed to alert Department commanders to any irregularities that may need additional investigation or correction before they became more serious issues. When the Inspection Section attempted to conduct an overtime audit of the Quality of Life Team, Lt. Barb Young was told by the Police Chief they did not have his authority to conduct the audit and were told to cease auditing functions until told otherwise. Their Inspections Section office was immediately moved from the Spinney Field complex to the second floor of 310 Ezzard Charles Drive presumably for control or humiliation purposes. The unit was then later reassigned to report directly to Chief Blackwell.

When I took over the Support Bureau, I installed a new Lieutenant, Jay Johnstone, as commander of the Youth Services Unit. Lt. Johnstone and I agreed the unit utilized an inordinate amount of overtime prior to us being assigned to the bureau. To make sure the unit was operating in accordance with Department standards, I requested Inspections Section conduct a top-down audit of the entire operation. Chief Blackwell denied the request indicating this was not a priority for the Department.

Internal Investigations Section was also reassigned under Chief Blackwell after the Chief expressed his disagreement with the prosecution of the Police Officer Kevin Jones case. After he indicated in a staff meeting the Department had no right prosecuting Officer Jones, he then admonished the investigating Sergeants Brent McCurley and Don Scalf for planning a meeting to discuss the incident with the prosecutor. Shortly thereafter, Lt. Emmet Gladden issued an email directing an organizational change placing Internal Investigations Unit directly reporting to the Police Chief.

Once the Police Chief managed to take over the Internal Investigations Section, cases languished for long periods of time before being resolved. It is my opinion Chief Blackwell took control of these functions to have the ability to personally manipulate investigations and audits. Unfortunately, these decisions have exposed the Department and City to undue risk.

Self-Promotion

Perhaps the most offensive component of Chief Blackwell's administration has been his obsession with his own promotion. In addition to routinely not being punctual, events and meetings have been held up even longer while the Police Chief's entourage gets in proper position to take photographs and video footage at his direction. These photographs supplement the scrap book compiled daily by the Police Chief's receptionist.

Claiming to be national expert on civil unrest due to his involvement with the Collaborative Agreement (short of him reading the agreement I know of none), Chief Blackwell was not shy about becoming involved in the incidents in Ferguson and Baltimore. Chief Blackwell was quick to grab the national spotlight and criticize those departments handling of those incidents well before the actual facts were ever made public. Ironically, Chief Blackwell was able to opine on a national platform on how other cities should be conducting their affairs, when he was unable to communicate even a most basic operational plan or strategy to his own department.

In my opinion the most repulsive act occurred during the funeral services for fallen officer Sonny Kim. Once again, Chief Blackwell used this tragedy as an opportunity to gather more photographs and public exposure. In fact, during the procession to the cemetery, Chief Blackwell and his carload of guests treated the procession as if they were part of a parade driving from one side of the road to the other and leaning out the window waving at bystanders and taking selfies. As one could imagine, officers involved in this event were embarrassed and outraged.

Instead of promoting the City of Cincinnati and the Department as some have claimed, Chief Blackwell's travels have been viewed by the rank and file as self-serving and arrogant.

Communication

This is the easiest topic to cover because there is little communication. Despite recommendations to increase communications with the Department's command staff after a mediation attempt in the latter part of 2014, communication became even more deficient. Chief Blackwell attempted to have lunch with a few Captains and set a schedule of standing staff meetings on Monday and Wednesday mornings. Sadly, most of those meetings never occurred due to cancellation by the Chief Blackwell. Sometimes we would be waiting as long as a half hour in the conference room for the meeting to start before someone from his office would advise us the Chief would not be able to attend.

In many cases the Chief would go out of town and not communicate this information to the Assistant Chiefs. In some of those cases, nobody was even designated as the Acting Police Chief in the event of a critical situation. Even when critical events did occur, there were some instances where the Police Chief would supposedly be in town but could not be reached.

In the office setting, I was not welcome to visit the Police Chief's office when I had issues. I was only admitted to the office after being formally summoned by Lt. Emmett Gladden and Ms. Sabrina Burton-Simonson. Chief Blackwell acted as if he was too important to personally ask me to his office.

Chief Blackwell even tried to prevent communication between the senior command staff and the rank and file. Annual In-Service Training affords the Police Chief or an Assistant Chief one hour to update personnel on the direction of the Department. For the 2014-2015 training Lt. Lisa Davis informed the Police Academy Commander, Captain Douglas Wiesman, the Chief did not want the Assistant Chiefs speaking in this forum. Instead, she would assist producing a video of the Police Chief delivering the message to one of the classes and have it taped for future discussions when the Police Chief could not personally appear. This was met with anger and disgust by personnel having to watch the video. In one of the classes, I decided to personally address the group. A female officer sat through my presentation and at the end she thanked me coming and asked, "How much longer do we have to put up with this?" (Referring to Chief Blackwell)."

Treatment of Personnel

There is no doubt in my mind the Chief has created the most divisive atmosphere I have ever seen in this Department. The problems started with the Police Chief's staff, or entourage, who were from the beginning allowed free reign. Shortly thereafter, some developed a level of arrogance that rendered them unpleasant and abusive toward coworkers and subordinates. The climate in and around the Police Chief's office is degraded to the point we now have a record number of personnel seeking psychological services to cope with the work environment. Others have simply filed hostile work environment complaints. Sadly, Chief Blackwell is attempting to make the problem even worse by perpetuating dissension along racial lines.

For me personally, the struggles with Chief Blackwell started when I attended a meeting and had a puzzled look on my face regarding a comment made by Lt. Lisa Davis which was later brought to my attention by the Chief. A short time later, I received a performance evaluation noting my facial expressions. It is my opinion, Lt. Davis at a minimum had input on my evaluation. For the most part after I filed a grievance relative to the evaluation, there was a period of relative peace where Chief Blackwell would simply just ignore many of my requests or initiate conversation only when he needed something handled. Recently, however, Chief Blackwell has made accusations indicating I was the one responsible for initiating news stories surrounding overtime and Department spending. In one conversation Chief Blackwell suggested I would no longer be working here (CPD) while in another he threatened Insubordination charges. At the Law and Public Safety Committee meeting on 8/31/15, Chief Blackwell indicated I would not be needed to provide testimony on the new District Five facility project despite being requested to do so by the Committee Chair, Councilmember Christopher Smitherman. I had to leave the meeting only to return an hour or so later after being recalled by Councilmember Smitherman.

Conclusion

I have been involved in this agency for over 28 years and I have seen a number of administrations. I have seen screaming sessions, back biting and I personally have been called my share of names. Some of that is to be expected when a lot strong personalities get in the room and discuss passionate issues. I've participated in a number of strong arguments but at the same time understood everyone in the room is seeking the same thing – How best to take care of our people and protect our citizens. I also realize I am not always right but I at least listen to those around me who can help. Chief Streicher and Chief Craig both would come to the table and listen to those they thought could help them succeed. Both of those leaders had the mindset they were here to serve their agency and the community.

It is my opinion; Chief Blackwell came to this agency with a much different idea of how the Department and citizens can serve him. Due in part to this thinking the Department has suffered great damage. Even in the worst of times, I have never seen this Department in such a state of hopelessness. The strength in this agency has always been the ability of our front lines to soldier on and accomplish the mission in spite of administrative shortcomings at the top of the organization. I look at the faces of our front line personnel and supervisors and can clearly see they feel as if they have been marginalized and beat by this administration. The toughest thing for me is I have served with these people and know many of them personally. Some of them look to me for answers but often I can offer little.

At a time where the City administration has made public safety a priority and has clearly done their part, I feel as if the police leadership has failed in this regard.

The current morale of the Cincinnati Police Department appears to be at an all-time low. In my current role as Executive Assistant Chief and in my prior position as a Police Captain, it has been common place for rank and file officers to tell that they feel unsupported by Chief Blackwell. These officers convey that their peers who are assigned to uniform patrol feel taken for granted by the Chief and have no clear direction from the top. Many have expressed that the work environment is worse than the aftermath of the 2001 civil unrest. Listed below are my observations regarding Chief Blackwell's interactions with Tiffany Hardy and Assistant Chief Dave Bailey.

During the past four or five months, I have noticed a clear downward spiral of professional decorum with Chief Blackwell in his interactions with members of the department staff. One such interaction occurred in late June 2015, during the planning process for Officer Sonny Kim Funeral. I was assigned as a Captain to the Police Department's Patrol Administration Section. I was tasked with assisting with officer deployment and funeral logistics. While attending a meeting of all department Captains, essential Lieutenants, Assistant Chiefs (at the time Jim Whalen and Dave Bailey) and the Chief was when I realized things were becoming extremely unprofessional. The chief was running late for the meeting and the assistant chiefs decided to proceed. Chief Blackwell called via telephone and directed Tiffany Hardy, a civilian member of the department, to stop the meeting until he arrived. Ms. Hardy clearly feeling uncomfortable at the directive asked me to assist. I agreed and conveyed the chief's message to Assistant Chief Bailey. Assistant Chief Bailey chose to proceed with meeting.

Upon Chief Blackwell's arrival he entered the meeting noticeably irate but allowed the meeting to continue. Following the meeting he immediately summoned Ms. Hardy and I to his office where he immediately asked, "Which one you wants to explain to me where the ball was dropped." I responded that I had no idea what ball was dropped. He demanded an explanation of Ms. Hardy as to why the meeting was not stopped. She stated the she passed the request on to me. I explained the directive was passed on to the highest ranking staff member in the room but the meeting still proceeded. He stated, "Okay, I will deal with him." Chief Blackwell then proceeded to berate Ms. Hardy in front of me regarding a typed error on a Facebook post she completed. He told her she was making too many mistakes, she was smarter than that, and she needed to better. Chief Blackwell's tone was very demeaning and belittling toward Ms. Hardy. She was very visibly shaken and unnerved.

On July 27, 2015, I was appointed to the Executive Assistant Chief position and assumed the duties of the Support Bureau Commander. During first week, Assistant Chief Whalen, Assistant Chief Bailey and I were summoned to Chief Blackwell's office. This was the first meeting that I was included in as a member of the senior staff (Chief and Assistant Chiefs). On this occasion Chief Blackwell was noticeably irate as the meeting began and immediately asked Assistant Chief Bailey for a written report regarding patrol deployment for the Summer Safety Plan. Assistant Chief Bailey attempted to explain that it had not been completed because he had responded to an incident that prevented him from being in the office to complete it. They began to debate the issue in a heated exchange that resulted in nothing being accomplished and everyone leaving the room frustrated. Assistant Chief Whalen noticing my astonishment stated to me, "See why we can't get anything done."

In the following weeks I attempted to mediate the relationship between the Chief and Assistant Chief Bailey by engaging in individual conversations with both, however, I achieved little success. Chief Blackwell told me during one conversation that if Bailey did not change he was going to banish him out of headquarters to an off-site location in the same manner that former Chief Streicher did with then Assistant Chief Janke.

During this time period communication between Chief Blackwell and the senior staff was either minimal or contentious, until the media presented a story regarding the use of overtime in the department. During conversations with the Chief he blamed Assistant Chief Bailey for creating the media story and providing the media with information about him. During that same period of several days, I was having a conversation with Assistant Chief Bailey when he was summoned to the Chief's office. Assistant Chief Bailey was in with Chief Blackwell for several minutes when he exited appearing extremely distraught. Assistant Chief Bailey then stated to me that the

chief threatened to fire him. Following the meeting Chief Blackwell explicitly told me to longer try to mediate as he was done with Bailey.

A few days later at the department's Cincystat meeting a confrontation between Chief Blackwell and Assistant Chief Bailey occurred again. A few minutes prior to the start of the meeting Assistant Chief Bailey and I were seated in a row of three chairs arranged in the front the room with an open seat between us where we placed our hats and folders. The Chief entered the room and approached Assistant Chief Bailey and told him to move over so he could sit in the chair Assistant Chief Bailey was sitting in. Assistant Chief Bailey responded by stating that he would move to another chair so there would be more room for us all to sit. The Chief sternly responded, "Sit right here, that's an order." This forced the three us to sit right next each other as other seats were available and in manner that we had not done in prior meetings in the same location. Assistant Chief Bailey sat down visibly shaken and upset. The conversation was witnessed by the rest of the command staff and as the City Staff was entering the room. I overheard several of the Captains comment that it was very demeaning and belittling on the part of the Chief to treat someone in that manner.

Finally, on Monday 8-31-15, during the morning staff meeting an additional argument occurred between Chief Blackwell and Assistant Chief Bailey. The Chief began his discussion by directing Assistant Bailey and I to designate units to be either eliminated or downsized in order to place officers back into the Districts needing personnel. Both Bailey and I agreed that a redeployment of personnel was needed but did not think it was best to do it on the fly and especially in the presence of administrative personnel who were also in the room. The Chief refused to listen and vehemently demanded that we designate the people because he was tired of the criticism. An argument ensued between Bailey and the Chief as we haphazardly chose personnel to reassign. The Captains were all called and ordered to report immediately to headquarters and were told to choose personnel by the end of the day to reassign.

During my first month as an assistant chief I have tried to assist the chief by aiding in processing administrative work that several of the Captains have complained that were never processed. Specifically Internal Investigation Summaries have been a point of concern as both the current and prior commanders complained about the failure of approvals for cases that required discipline. I was able to convince the chief to allow me to process a few but not the entire backlog. Additionally, I instructed his adjutant, Lieutenant Gladden, on how to show the chief to formally finalize Use Force investigations and other cases in our Employee Tracking System (ETS). I have attempted to mediate the relationship between the Chief and Assistant Chief Bailey with little success. It has clearly deteriorated over the past two years and is sadly beyond repair.



Eliot K. Isaac

9/8/15

Leadership observations pertaining to Chief Jeffrey Blackwell.

Captain Michael John, Badge C4

At the request of Paula Boggs Muething, I was requested to provide a written account of my personal observations and experience regarding the management practices of Chief Jeffrey Blackwell.

I was assigned to the Chief's Office during Chief Blackwell's initial three months, prior to my promotion to Captain in January 2014. I recognize, two of the three assistant chiefs reporting to Chief Blackwell had been in direct competition with him for the position of Chief, and the third had previously competed for the position prior to the appointment of James Craig. This caused an obvious climate of discord from the onset.

Professionalism:

Chief Blackwell quickly forged relationships with community stakeholders and activists. This was facilitated with his close relationship with Specialist Scotty Johnson and his sister Sergeant Julian Johnson. With Tiffany Hardy, Chief Blackwell became a very public figure and was gifted at connecting with the community, youth and the media. His persona in public was very large, and he has clear confidence in this arena. He was professional and likeable.

In terms of his demeanor "in house" – within the confines of the police department, Chief Blackwell did not make the same connections, and over time, his relationships with former Assistant Chiefs Humphries and Whalen declined. Whalen was always professional, and always respected the office of the Chief. Chief Blackwell's relationship with Assistant Chief Dave Bailey has become counterproductive. At a recent CincyStat meeting attended by Mr. Black, and Department heads, Chief Blackwell argued over a seating preference with Colonel Bailey and told him to sit in a certain chair, stating "That's a fucking order."

Personally, while on scene of a partial building collapse on Liberty Street, Chief Blackwell was obviously unhappy with oversight of the incident. I had briefed Lieutenant Colonel Whalen regarding traffic posts, pedestrian control, and requests for assessment by the Fire Department and Buildings and Inspections. Officers on scene had secured the area, and were handling the operations in a calm manner. Chief Blackwell approached me and questioned the manner in which I was handling the scene. He raised his voice and told me to act with a sense of urgency, since the building was poised to topple over – this is was not possible, absent a sideways force. He was visibly upset, and voiced his concerns as live media was airing. Later Chief Blackwell ordered me to his office and advised me to develop a different leadership style than my "mentor" Lieutenant Colonel Whalen.

Communication:

Communication within the command ranks has been poor. Chief Blackwell publically has spoken of his desire for a "Robust Youth Engagement Platform" – this has not been articulated to an operational

degree to the command staff. Personnel allocation is determined by the Chief. Clear recommendations have been made regarding preferred staffing levels, and what they may be able to provide for minimal, adequate and preferred service levels. These recommendations were prepared by crime analysts using standard nationwide policing models. On several occasions, the Chief has reviewed personnel distribution and made initial commitments to re-allocate personnel, only to change his mind. This provides false hope of additional field support during times of heavy service demand. Each District Captain contributed to a summer deployment plan for enhanced patrols, and focused enforcement efforts on those involved in offenses of violence. This was summarized and presented to the chief in written form, but was not mobilized. At the last CincyStat meeting, Chief Blackwell advised 30 extra officers were added to patrol during the 90 day summer safety initiative. Outside of Youth Services personnel conducting directed patrols in parks, the districts had no extra personnel for deployment. Considering we tout ourselves as a data driven agency, there appeared to be no evidence, park patrols, or additional walking patrols (mandated by the Chief) had an impact on reducing violent crime. I am unaware if the proposed curfew initiative (part of the Chief's 90 day plan) was enacted. The Chief's 90 day plan was very much a departure from the initial proposal developed in conjunction with the District Commanders. I am unaware who contributed to the plan – although summer events disrupted its implementation. As an agency, we continue to advocate CIRV as a platform for violence reduction. Experience and results has proven CIRV to be less effective than it was upon introduction in 2007.

During STARS presentations, Chief Blackwell provided little if any feedback regarding conditions and responses reported to him. Chief Blackwell appeared to have minimal confidence with Dr. Robin Engle – a national and international expert in police practice and research. A research tool has been developed by UC which provides an enhanced model of identifying violent offenders, much more sophisticated than the "CIRV" list. This model identifies up and coming individuals through associations who are likely to be pre-disposed to involvement in violent offending. This database is draws on CPD information, from Field Interview Reports, offense reports, arrest data etc. Dr. Engel presented an overview of this tool with Dr. Murat Ozar. This model has been largely ignored, but has the potential to be far more impactful than the "CIRV" lists.

Absent a select few, Chief Blackwell fails to acknowledge positive initiatives by personnel. This gives the appearance of a distinct lack of appreciation for the efforts of those involved.

Inner Circle

Rather than consulting command staff with priority decisions – Chief Blackwell appears to have developed a core group of individuals he leans on – many of whom are at the officer / specialist / first line supervisor rank. This is NOT the internal advisory board. There is a general sense the inner circle is self-serving and quick to expel anyone who questions, or is perceived to have questioned Chief Blackwell's direction – See Sergeant Julian Johnson; Tiffany Hardy. At times Chief Blackwell uses this group to communicate indirectly on his behalf. This leads to confusion over whether they are speaking for Chief Blackwell, or themselves with a sense they cannot be questioned.

It is with some degree of reservation I write this, as I know it will be public record, however, as conditions continue with this climate, moral has been compromised, and as an agency we are living a double existence. Publically, we are a national model, engaged with the community and focused on a strategy of collaboration to problem solve. Internally, we are dysfunctional, with poor communication, lacking confidence in leadership, and a failure to acknowledge positive strides to serve the community.

On September 8, 2015, at 1330 hours, in Room 214 of City Hall, I met with Ms. Paula Boggs-Muething, City of Cincinnati Solicitor, and Ms. Georgetta Kelley, City of Cincinnati Human Resource Director. The meeting was convened at the request of Ms. Boggs-Muething and Ms. Kelley to inquire into the current state of affairs within the Cincinnati Police Department (CPD). Ms. Boggs-Muething and Ms. Kelley advised me that their inquiries were being conducted at the direction of the Cincinnati City Manager, Mr. Harry Black.

During the meeting, the majority of our conversation was focused on the management of the CPD by Chief Blackwell. Specifically discussed were organizational morale; respect, or lack thereof, of the chain of command; organizational direction, leadership, and mission.

The following are questions posed by Ms. Boggs-Muething and Ms. Kelly followed by my replies.

1. To what degree does Chief Blackwell abide by the chain of command when making organizational decisions, specifically, those affecting the Special Services Section's traffic/motorcycle unit?
 - A. Among other responsibilities, as the commander of the Special Services Section, I oversee the operation of the traffic/motorcycle unit. It has been my experience that Chief Blackwell, or his office designee, communicates directly with the sergeant assigned to the motorcycle unit rather than through the lieutenant who directly commands the unit or me. Therefore, outside of the traditional and necessary chain of command.

This process generates animosity among the officers within the section which consists of the Gang Enforcement, Fugitive Apprehension, and Canine Squads as well as non-motorcycle personnel assigned to the traffic unit. It also generates poor use/deployment and oversight of the motorcycle personnel by upper management (lieutenant and captain).

Specifically, following discussions by the sergeant assigned to the motorcycle unit with the Chief or his designee, motorcycle operations do not meet preferred methods of operation nor do they allow for properly distributed roles of responsibility or planned assignment.

In early 2014, I met with Chief Blackwell to discuss my concerns and asked that he communicate with me or the traffic lieutenant to ensure his directives related to the motorcycle unit were thoroughly completed while also allowing other operational duties to be completed.

Chief Blackwell was receptive to my request and assured me he would discontinue the practice of communicating directly with the motorcycle sergeant. However, the practice never changed and in-house animosities as well as weakened oversight and operational functions increased.

The failure to communicate with the traffic lieutenant or me, necessitated me making the directive that all tasks directed by Chief Blackwell or his designee and overtime incurred as a result would be noted as pre-approved by Chief Blackwell as there was no, or minimal, knowledge on the part of the section's upper management.

2. What is the level of direction or leadership involving Chief Blackwell regarding the organizational operation?
 - A. The organizational direction provided by Chief Blackwell is minimal at best. He rarely seeks input of the command staff (captains) or the senior command staff (lieutenant colonels/assistant chiefs). On many occasions, personnel changes and operational strategies were altered without any input by, or notification of, those in the command or senior command staffs.

This lack of communication seriously impedes the ability of commanders to provide direction to personnel assigned to them as well as greatly reduced the credibility of the commander ultimately negatively impacting the organization's mission and even more so, the service provided to the community.

This lack of communication has diminished morale and increased cynicism to a 29 year low which also greatly impacts the service provided to the public we serve.

Captain Russell A. Neville

On Thursday, August 20, 2015, just prior to the beginning of the CityStat meeting for the Police Department, I witnessed the Police Chief approach Lieutenant Colonel Bailey, who was already seated, and direct him to remove his personal items from the chair next to him. Lieutenant Colonel Bailey picked up his personal items and stated that he would sit on the other side of the room instead. At that point, the Police Chief replied, "No. Sit down in that fucking seat. That's a fucking order." This incident was particularly concerning as it occurred in direct view of many of the assembled police captains who were present, as well as members of the City Administration, to include both Assistant City Managers. In addition, it confirmed the extent of the strained relationship between the Police Chief and Lieutenant Colonel Bailey which has permeated the Police Department for months. Incidents like these, especially in public view, cast serious doubt on the Police Department to function effectively and cohesively as we strongly adhere to a chain of command to ensure we are accomplishing our mission. When there is overt friction between the two senior ranking members of the Department, that discord affects the entire Department.

In regards to overtime authorization, it is not uncommon to review and authorize overtime slips for individual officers where the approving authority is listed as either the Police Chief or a member of the Police Chief's immediate staff. There are numerous occurrences where a commanding officer will sign off on overtime for events not directly related to an officer's primary assignment, such as many of our youth engagement functions, i.e., H3 Cincy. Even though the officers may directly report to me, I would have no knowledge of the approval or scheduling of their attendance at these functions, therefore, I would not be the pre-approving command officer. I would rely on the notation that the overtime occurrence was pre-approved by the Police Chief or designee in approving the overtime worked for payment or compensation.

The current prevailing topic of discussion among most all of the command staff is that the Cincinnati Police Department is currently in a state of dysfunction not witnessed in any of our careers and it is universally believed that the recent departure of two members of our senior command staff is a direct result of the lack of vision and communication perceived by numerous members.

8/4/15
CPT. Paul Puodigato



Paula Boggs Muething
8/4/15



Date: July 10, 2014

To: Jeffrey Blackwell, Police Chief

From: Sergeant Ryan Smith, Inspections Unit

Subject: **Response to Meeting – July 8, 2014**

I respectfully submit the following response to a meeting held in the Chief's Conference Room held on July 8, 2014, at 1500 hours. The following comments are strictly my response to this meeting, and do not reflect the position of any other personnel assigned to Inspections Unit.

I respectfully submit that Inspections Unit, specifically Lieutenant Barbara Young, was maligned regarding the recent move from Spinney Field to District One. I respectfully request that any anonymous complaints regarding the professionalism of Inspections Unit or Lieutenant Young be aired in an open forum so that Inspections Unit may respond in kind to refute or dispute these complaints, or apologize if said complaints are valid. I respectfully submit that Inspections Unit has no previous pattern of conduct or alleged unprofessionalism consistent with these anonymous allegations or perceived lack of professionalism discussed during this meeting.

I respectfully submit that the anonymous allegations and complaints directed toward Inspections Unit, specifically Lieutenant Young, resulted from decisions that were submitted and vetted through the chain of command and either approved in turn or were still being explored for possible action. I respectfully submit that Lieutenant Young was specifically rebuked for actions both real and perceived that were consistent with carrying out the expressed orders and intent of her superior(s). I respectfully assert that Inspections Unit and Lieutenant Young were not given adequate notice to address these allegations or to notify those senior officers within the chain of command of these allegations to respond in turn.

I respectfully assert that statements discussed during this meeting regarding the perceived attitude and hostility of Inspections Unit personnel regarding this transition to the new work space were neither accurate nor consistent with those held by the personnel assigned to Inspections Unit.

I respectfully submit that Lieutenant Young, and all assigned Inspections Unit personnel, have worked together in a professional and highly efficient capacity to relocate to the current work space located within District One. I respectfully submit that a casual inspection of the floors and work space of Inspections Unit would suggest that the current work space was not previously cleaned and maintained consistent with the adjacent offices and hallways. I respectfully submit that Lieutenant Young's efforts and intent to clean the new work space were entirely consistent with the best practices and leadership expected of senior officers within the Department.

I respectfully submit that Inspections Unit requires a work space that is not immediately and freely accessible to personnel not assigned to the unit. Specifically, Inspections Unit is tasked with a review of the administrative

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process and conduct of sworn personnel of the Department as a reciprocal function of the Internal Investigations Unit, contained within the larger Professional Standards Section. Inspections Unit personnel in their professional capacity discuss amongst themselves the actions and alleged conduct of sworn personnel sufficient that said conversations should not be overheard by personnel not assigned to the unit. The Inspections Unit work space as currently configured does not allow the unit to securely store sensitive files that are required to be kept consistent with retention periods. Personnel not assigned to the unit move freely within the current work space of Inspections Unit inconsistent with the best practices of the Inspections Unit process, and likewise inconsistent with the process of Internal Investigations Unit and their separately secured and private work space.

I respectfully submit that I am solely responsible and accountable for this Form 17 as written.

RS

Subject: CPD

From: [REDACTED]

To: [REDACTED]

Date: Friday, September 4, 2015 3:04 PM

Georgette,

I am writing this statement based upon the unprofessional working conditions I have witnessed within the Cincinnati Police Department.

My office mate Tiffaney Hardy has been the target of unwarranted criticism and constant unnecessary pressure. As a direct result of the hostile working conditions within the Department, Tiffaney is now seeing a psychologist to assist her in dealing with the undue stress caused by her work environment.

In my 29 years of service with CPD, I have never witnessed such hostility and lack of respect for employees. These conditions have directly contributed to the low morale and displeasure pervasively haunting the Cincinnati Police Department.

Sincerely,

Scotty Johnson

On Friday, August 28, 2015, at 1600 hours in Room 214 of City Hall, I met with Ms. Paula Boggs-Muething, City of Cincinnati Solicitor, and Ms. Georgetta Kelley, City of Cincinnati Human Resource Director. The meeting was convened at the request of Ms. Boggs-Muething and Ms. Kelley to inquire into the current state of affairs within the Cincinnati Police Department (CPD). Ms. Boggs-Muething and Ms. Kelley advised me that their inquiries were being conducted at the direction of the Cincinnati City Manager, Mr. Harry Black.

Note: During my nearly 25 years with the CPD, 9 years have been spent assigned to the Internal Investigations Unit, approximately 2 years as a Sergeant, 2 years as a Lieutenant, and 4 years as a Captain. During these tenures, I have become extremely knowledgeable and familiar with how to conduct a thorough and fair investigation into an allegation of a police officer's misconduct. I have also become knowledgeable of the Cincinnati Police Department's Manual of Rules and Regulations and the City of Cincinnati's disciplinary and appeal processes.

During the meeting on August 28, 2015, the majority of our conversation was focused on the lack of communication from Chief Blackwell to me during the time that I commanded the Professional Standards Section, which includes Internal Investigations Unit and Inspections Unit. We also discussed the effects this lack of communication could have on investigations conducted by the Internal Investigations Unit into allegations of officer misconduct and the precedence it could set for future discipline and appeals.

The following are three examples of incidents involving internal investigations that I feel were handled poorly by Chief Blackwell due to his decision not to communicate with me:

- Case #14094: On August 4, 2014, IIU received a complaint that an off-duty officer had assaulted a known individual. After thoroughly investigating the allegation, IIU submitted a report to Chief Blackwell on September 14, 2014, recommending the officer receive a written reprimand for violating a section of the Department's Manual of Rules and Regulations. After waiting approximately 3 months for the Chief to approve the report, I inquired into its whereabouts. The Chief advised me that he could not locate the report and asked that it be reprinted and resubmitted to him. I resubmitted the report to the Chief on December 30, 2014. As of the date of my transfer from the Professional Standards Section on June 14, 2015, this report had not been approved and returned from the Chief. Therefore, 13 months have passed since the incident occurred and the officer has not been disciplined and the complainant has not been advised of its resolution.
- Case #14127: On October 14, 2014, IIU received a directive from Chief Blackwell to conduct a review of an incident that occurred in District Three which involved an officer possibly not ensuring a prisoner who was suspected of ingesting contraband received medical treatment in a timely manner. The lack of timely medical treatment caused the prisoner to become unresponsive. After a thorough investigation, IIU submitted a report to Chief Blackwell on January 26, 2015. The

investigation concluded the officer's conduct did not meet Department standards and there was a recommendation for six Sustained findings. The Chief approved the report and findings; and according to the Department's Disciplinary Matrix a pre-disciplinary hearing was conducted on March 30, 2015. As a result of the pre-disciplinary hearing, the Hearing Officer authored a hearing summary which recommended the officer receive a suspension from duty. The hearing summary was submitted to the Chief on May 20, 2015. On June 12, 2015, IIU received the hearing summary back from the Chief without any discussion. The Chief had reversed four of the more serious Sustained findings and allowed the two minor Sustained findings to remain in affect. This action contradicts the Chief's approval of the original IIU report. Additionally, the Chief had written comments on the hearing summary stating that the incident should never have risen to the level of an investigation and that Planning Section was to revise two procedures that govern how CPD officers handle an individual who is suspected of ingesting contraband. After receiving the hearing summary, I became aware from a third party that Chief Blackwell had met with the involved officer and allowed him to convince the Chief why he should not be administered discipline. This meeting occurred without any communication or input from me as the Professional Standards Section Commander.

- Case #15033: On March 23, 2015, IIU was directed to conduct an investigation into possible criminal conduct by several members of the Department. The allegation involved the possibility that two members of the Department failed to properly investigate an auto accident involving an off-duty officer. During the course of the investigation, IIU met with City Prosecutors several times to determine if the incident met the elements of a crime. Prior to a decision by the Prosecutor, I became aware that Chief Blackwell was scheduled to meet with one of the officers alleged to have mishandled the investigation. I became aware of this meeting approximately 30 minutes before it was to occur. I immediately went to the Chief's office and strongly advise him not to meet with the officer because IIU had not yet determined if criminal charges were going to be filed and I was concerned that the meeting could be misconstrued as a Garrity interview. Chief Blackwell agreed and cancelled the meeting. Approximately one week before I was transferred to Criminal Investigation Section, Chief Blackwell directed the incoming Professional Standards Section Commander to contact the aforementioned officer and determine why he wanted to meet to discuss the alleged incident. I again stressed to the Commander why this meeting should not occur as it could possibly hinder our ability to proceed with criminal charges if the Garrity issue was raised. The commander ultimately contacted the officer via phone and then advised the Chief that my advice should be followed and a meeting should not occur.

These three examples not only demonstrate case mismanagement but also a lack of communication and leadership by Chief Blackwell.

I spent a tremendous amount of time as the Professional Standards Section Commander trying to manage the open cases at IIU. The most valuable tool in managing this process is a spreadsheet that I created when I was assigned to IIU as a Lieutenant. The spreadsheet allowed me to always know the current status of all IIU investigations. In September of 2014, I became very concerned because Chief Blackwell was in possession of more than 20 IIU reports for more than 60 days. I went to the Chief and asked him about the status of these cases. The Chief advised me that he did not have any IIU reports. My only option was to have the respective investigators reprint the reports so that they could be resubmitted to the Chief. Over the next few months, IIU received the majority of these reprinted reports back from the Chief.

In December of 2014, I again became concerned because the spreadsheet indicated that the Chief had a large quantity of reports for an extended period of time. After discussing this with the Chief, he again advised that he did not have many of the reports. On December 30, 2015, I again had the respective investigators reprint the reports so that they could be resubmitted to the Chief.

In January of 2015, I began keeping a running tally of how many reports the Chief had and for how long he had them. It became common practice for Chief Blackwell to have between 15 to 25 reports at a time, some of them for more than six months.

The aforementioned information clearly demonstrates Chief Blackwell's inability to manage something as significant as reports which address allegations of officer misconduct. This inability has left the Department unable to bring these cases to a resolution in a timely manner and thereby diminishing the confidence that we strive to instill in our community and our officers. Chief Blackwell's lack of communication and leadership as it pertains to internal investigations has hindered the Cincinnati Police Department's efforts to maintain integrity and transparency as it relates to investigating its own officers. Chief Blackwell's actions are in direct conflict with the following entry in the Purpose of Discipline of our Manual of Rules and Regulations, "The public's trust is impacted, however slightly; each time a manager adjudicates a complaint investigation or finds that an employee's conduct did not conform to law, policy, procedure, or rule."

T. Thetge
TERESA THETGE
9-4-15



Paula Boggs Muehling

PRIVILEGED ATTORNEY-CLIENT DOCUMENT

Testimony from Tiffaney J. Hardy, Director of Communications

Statement regarding the overtime of Lt. Danita Pettis

On **June 2, 2015** I was approached by LT. Emmett Gladden and Lt. Danita Pettis saying they needed to discuss something with me. They wanted to talk privately in my office, which seemed a little odd to me. They explained that Chief Blackwell had added LT. Pettis to the Public Information Office to help out with the rash of shootings we were experiencing at the time. It was explained then and corroborated several times by Chief Blackwell that Lt. Pettis was to assist with the shootings overnight to provide a consistent voice overnight. Since Sgt. Donna and I work long hours during the day, Chief Blackwell felt adding her at night would be beneficial. Lt. Pettis began immediately assisting with shootings.

As time went along, I noticed that Lt. Pettis started attending several additional events and activities on the Chief's schedule. When asked by Captains and staff for clarification on her role, Chief Blackwell indicated that she was to assist with shootings and officer-involved shootings.

On **July 8th**, there was an incident where I was trying to clarify with Chief Blackwell information related to a public records request regarding his calendar, travel, and his attendance at the All Star Game festivities. Prior to this I had been regularly seeing Dr. Daum, the Police Psychologist about what I was experiencing and the sense that the office was getting more hostile. During a verbal exchange with Chief Blackwell, I was asking several clarifying questions to make sure I understood what he was saying. He then said "This isn't rocket science Tiffaney, this isn't that hard. Come on." He then proceeded to say that "if I handled the situation better that this public relations mess wouldn't be happening." He finally said, "I am going to let someone else handle this since you must have forgotten who you work for, that you work for ME!" I could not believe that he would say that to me and I asked him "Did you really say that to me? Did you REALLY just say that to me?" What concerned me the most was that I initially could not remember this conversation or saying it to him until I remembered the conversation later that day. It was like I blacked out the conversation entirely. I was so upset over the exchange that I left for lunch and ended up having to leave for the day. I immediately scheduled an appointment with Dr. Daum.

At this point and several months prior I had been having health issues: extreme headaches, inability to sleep, loss of appetite related to the anxiety I had been experiencing. On **July 10th**, I met with Dr. Daum and explained to him the situation. He then diagnosed me with anxiety. I explained that I was concerned about returning to the office for health reasons, so he wanted me to see my primary care physician and he marked me off until I could be seen by my doctor on July 13. On **July 13th** my doctor diagnosed me with anxiety and prescribed medications to help me deal with situation and stress in the office. Dr. Daum then marked me off of work from July 13 through July 20th. My primary doctor also began the process for FMLA to deal the office stress should I need it.

On **August 6**, I started noticing that Lt. Pettis had been attending scheduled events even though staff from the PIO office were scheduled and present. As I began thinking of the events of that week, I remembered that Lt. Pettis had worked our National Night Events that previous Tuesday on August 4, 2015. I thought she was attending these events on her own volition, so at approximately 1400 hours I met with Ms. Ellie Topham, the CFD Finance Director. I explained to her my concerns about Lt. Pettis attending events that we already had coverage for, so I was curious about the amount of overtime she was accruing. The impetus for this was to determine the amount of overtime so that I could have a

conversation with Chief Blackwell for two reasons: 1) to inform him of the amount of overtime that was occurring and 2) to get clarification on the roles of Lt. Pettis and her work within the PIO office. I further explained to Ms. Topham that I was planning on using the report to have a conversation with Chief Blackwell and ask that she not mention it to anyone.

At that time I had Sgt. Hurst from my office pull the off-day group list and schedule to determine Lt. Pettis' off days. To my surprise, many of her OT days coincided with off days from her assigned job duties at the Central Business Section.

As I was discussing the off-day group process with my staff for clarification in a closed-door meeting in my office, Lt. Pettis happened to walk by and listened to my conversation with staff members Sgt. Donna Hurst and Police Specialist Scott Johnson. Lt. Pettis then approached us later that afternoon saying that she had overheard the entire conversation. We had a general discussion and I explained to her that I was concerned about the amount of overtime she was accruing and the number of events she was attending to get clarification from Chief Blackwell. At that time, she stated that Chief Blackwell often called her to attend these events and that's why she was attending.

On **August 6th** at 3:45 pm I text Chief Blackwell, saying *"We need to talk to clear the lines of communications. Also we need to clarify Danita's role in our office. I wanted to bring something to your attention about the amount of overtime she's had that's been circulating around."*

I did not receive a response from him. I attend a community National Night Out function at 6pm that day, but the opportunity didn't present itself to have a private, calm conversation with him.

I was on approved vacation from August 7 – August 10. Upon my return on **August 11th**, I immediately asked to meet with Chief Blackwell at 0830 hours to discuss the Lt. Pettis overtime matter with him. He was not available to meet at that time. At approximately 1030 hours, Lt. Gladden approached me saying he wanted to discuss something with me. We met privately in an office where he shared with me that Chief Blackwell wanted him to "begin an investigation on when I knew or was made aware of a public record request regarding Lt. Danita Pettis." From Lt. Gladden's line of questioning I explained that I had been told Thursday night by Col. Dave Bailey that he thought that there had been a public records request going weeks back around the time of the All Star Game. However, the first official public record I saw was on Monday, August 10th while I was out on vacation. I also explained to him that sometimes public records request are not always sent directly to the PIO office. Sometimes they are submitted directly to the Records Management Section, the Law Department, or directly to the City Manager's Office. I also explained to Lt. Gladden that I was quite surprised at the amount of overtime Lt. Pettis had received from June 2nd through July 17th, the current pay period. During that time Lt. Pettis had accrued almost 200 hours of OT and that she had worked 21/30 work days in June. Lt. Gladden and I continued our conversation and left with a better understanding of what I trying to accomplish by pulling Lt. Pettis' OT records which was only to bring the matter to the Chief's attention to protect the Department and the Chief.

Later that afternoon at approximately 1330 hours, I met with Chief Blackwell and Lt. Gladden. I explained to the Chief that when I first started working for him I always said that I would have his back and tell him the truth. I also shared that these two things were the impetus of why I pulled Lt. Pettis' time. He quickly said that I had no right to pull her time and that he didn't believe me. He then accused me of orchestrating the public records request for overtime for Lt. Pettis and his entire office. He then stated that he didn't trust me and that he didn't know if he would ever trust me or even work with me. He then began to berate me in front of Lt. Gladden discussing every personnel matter, project, or things

he was upset about. His body language was very expressive and he raised his voice. I was quite blown away with his actions and I felt completely deflated. That day I left for a couple of hours because I was concerned for my own mental health and anxiety I felt in the office.

Additional Incidents

Fast forward to **August 22, 2015** Chief Blackwell sent photos for me to post. I was having technical difficulties with my phone and laptop, so I explained that I would post on Sunday. On Sunday, after spending my off-day with family, I posted the pictures around 11pm. On Monday, August 24th there was an early event for which PIO Sgt. Donna Hurst attended. She attended from 0745 hours until about 0830 hours. At 0836 hours, Chief Blackwell sent a text asking me to come over to the event. I explained that Donna had been there and that she should still be there. The day was progressing along until I was called into the Chief's Office at about 0930 hours. Upon entering his office I wanted to discuss the week at hand and what we needed to focus on for the day. He immediately started asking why PIO wasn't at the event. I explained to him that Sgt. Hurst had been at the event, taken photos, and had already posted photos to Facebook. He said that he saw that, but we weren't there while he was there. He then began to talk about the weekend pictures and why they weren't posted in a timely manner. I explained the technical difficulties I had on Saturday, but that I had posted on Sunday. He then proceeded to ask "why I should have a take home car, if when he needed me to come in on a Saturday afternoon at 3pm then that's what he needed. He further stated, "And if that meant bringing your ass in a Sunday, it meant bringing your ass in on a Sunday!" I was quite appalled by his use of language. Again, I felt berated and had to leave the office again for the hostile work environment that I felt. This time I continued with one of my sessions with Dr. Daum to discuss how I was feeling. Dr. Daum documented how I was feeling and gave me coping strategies to better deal with the stress.

Summary

In summary confidentiality, loyalty, and trust are important to me as these qualities have been the hallmark of every single position I have held going back to working as a college intern with the U.S. EPA Office of Civil Rights. It is with a heavy heart that I have submitted this testimony and presented facts as I know them.

Chief Blackwell has had a great community engagement platform and innovative policing strategies and for that I am thankful in how he has been able to engage the community as well as the department.

I can say without a shadow of a doubt that the hostility that is felt in the office currently has not always been present. I feel that something in the course of the last six or so months has happened. The last several months have been difficult for me and I have seen the morale of others slip. Several staff have tried to guide Chief Blackwell by presenting our thoughts, suggestions, and ideas to make situations better. The situation may have occurred from the political pressure, lack of support he felt, or even a need for validation, but I felt it necessary to share that the interactions, tone, unrealistic expectations and his level of exhibited frustration has had an adverse impact on the office.

Respectfully Submitted,

Tiffany Hardy, Director of Communications
Cincinnati Police Department

September 8, 2015

To me the largest issue facing Chief Blackwell is the way in which he has situated himself with the senior command staff (assistant chiefs) and in many cases the commanders (captains). Over the past two years, Chief Blackwell has surrounded himself with a group of individuals in the lower ranks of the Department – lieutenants, sergeants, and officers. The Chief does not regularly communicate his directives to the right people in the right positions to make things happen. This has many times created confusion among the assistant chiefs and captains who are not part of the decision making process to implement a change in their bureau/district/section/unit. As a result, some directives were implemented and then had to be changed or stopped because it was not thought through properly before implementation. This has created confusion at the higher ranks and has created lower than average morale.

I recently met with the Chief to help define a new SECTION of the police Department for an upcoming Captains promotion. In that meeting, I disclosed to him that he had too much “span of control” reporting directly to him on the Department’s Org. Chart. My recommendation was to have the assistant chief’s directly reporting to him and *NO ONE ELSE*. Currently, with the people he has directly reporting to him, his span of control in my opinion is not properly aligned. Look at the Department’s Org Chart; the Chief has unnecessary operational units reporting to him. He is the CEO of our Organization. The Districts/Sections/Units should be positioned underneath the assistant chief’s (bureau level) and properly aligned in a district/section/unit under the captains.

The Chief should meet with **ALL** of his Assistant Chiefs **each day** to discuss the past 24 hours of police activity, what needs to happen in the next 24 hours, and what issues/challenges could we likely expect in the coming days, weeks, months. Currently, these meetings are only scheduled on Mons & Weds and often the Chief cancels. I see this as one of the most important meetings the Chief can conduct with his executive leadership team. It forces the SENIOR command staff to communicate, make important decisions, and carry out actions within their bureaus through the captains. If this were to actually occur, the Chief and Assistant Chief’s would be communicating daily and there would be **NO CONFUSION** as the directives would flow through the right people/channels with the right message. No decisions should be made directly to lower ranking supervisors or officers without that information being discussed with the assistant chiefs/captains. The latter happens on a regular basis.

I find it embarrassing that we have had a captain’s promotional process in place for many months; in fact, I believe the Chief asked the City Manager to add a captain to our compliment (we now have 13), we just promoted 2 Captains, and they have not been transferred to a new assignment. That’s has never happened in my 25 ½ year career. Right now, Captain Aaron Jones, is still assigned to the Police Academy with me (2 captains – seems odd). Captain Jones has been told he will be transferred next week. Still no word on his assignment – why wasn’t this discussed months/weeks ago and put in motion? To date, I still am not completely certain the Chief has defined/approved a “new section” for this “13th captain”. We’ve talked about it with the Chief, but I haven’t seen anything or heard anything about the “new section”. I’m still anxiously waiting, as are the newly promoted Captains?

When I was Acting Support Bureau Commander for four weeks, after LTC Paul Humphries retired, on several occasions, the Chief would summon Lieutenant Jay Johnstone, Youth Service Unit Commander, to his office to initiate directives for his unit regarding deployment of the YSU officers and other action items for the YSU to perform. Lieutenant Jay Johnstone reports directly to the Support Bureau Commander, not the Police Chief. I became increasingly frustrated when I was not involved in those conversations so I would know what was going on and what the YSU was expected to carry out. A similar situation arose with Mr. Roger Wolf, Evidence and Property Management Unit. Mr. Wolf is responsible for the Police Department’s Fleet assignments/deployment. The Chief would summon Mr. Wolf to his office and based on requests from officers, sergeants, lieutenants, the Chief would ask for vehicle allocations and deployment that were, *in my opinion*, unrealistic based on the vehicles assigned to the Police Department. In some cases, the officers, sergeants, and lieutenants, met with the Chief to ask for a vehicle assignment, would get his permission, then call Mr. Wolf directly and state, “...The Chief told me to call you and have you assign me a car.” Mr. Wolf and I became very frustrated with this kind of activity. I directed Mr. Wolf NOT to assign vehicles to anyone in that situation unless it

was approved by me and I talked to the Chief. This situation never presented itself as LTC Isaac was promoted and I returned to my assignment as the Training & Development Section Commander.

Our first Lateral Entry Officer (LEO) class was only 8 weeks in duration (Spring 2014). After the class graduated, the entire Training Unit staff concluded that 8 weeks was not enough training for transitioning officers to perform police services in Cincinnati; a large, busy, urban police agency. When the next LEO class was being planned, I personally met with the Chief and strongly recommended we increase the training to 13 weeks to focus on additional tactical skills and subject control training. He approved 10 weeks. The Training Staff spent numerous hours planning the LEO training schedule and calendar around other trainings we conduct. One day, about halfway through the LEO class, the Chief met with me to tell me the LEO training needed to be increased because they needed additional tactical training. I found out later, that PO Scott Johnson had told the Chief they needed more training and it was done. The training staff had to scramble to change the schedule to add the weeks of training, cancel our preplanned graduation date, reschedule the graduation date with the Cincinnati Christian University. I'm so proud of the training staff and how they handled the situation, completely professional, pulled it off and got it done. I just wish the Chief had listened to me from the beginning. I know what I'm doing and wouldn't make the recommendation if it wasn't necessary and important.

I don't have a lot of details about the reinstitution of the Mounted Patrol, but that would be an interesting question. The Chief has stated we are bringing the Mounted Patrol back, but I'm pretty certain, no team/committee has been formalized to make this happen. Someone did submit a written plan, but I think that is all that has happened.

In conclusion, it seems to me most of the communication problems have been created by the Chief simply ignoring or refusing to interact at a high level on a regular basis with his executive leadership team – assistant chief's and captains. He has taken us out of the equation and tried to run our Department with officers, sergeants, and lieutenants.

It has created chaos, confusion, and unnecessary back-and-forth organizational and personnel changes.

Respectfully submitted,

Captain Douglas Wiesman
Training & Development Section Commander



Date: February 22, 2017

To: Colonel Eliot K. Isaac, Police Chief

From: Lieutenant Craig A. Gregoire, Internal Investigations Unit Commander (Acting)

Copies to:

Subject: **Peer Review Hearing Results – Police Sergeant Richard Sulfsted**

On February 21, 2017, a Peer Review Hearing was conducted for Police Sergeant Richard Sulfsted, Badge: S699, Emergency Communications Section, at the Internal Investigations Unit conference room regarding Grievance # 3 - 2017 (ETS# 2016-220274). The hearing was held in reference to a Written Reprimand issued to Police Sergeant Richard Sulfsted as a result of an incident that occurred on March 22, 2015.

The Peer Review Panel **reduced** the disciplinary action no penalty.

Attached is a copy of the finding by the Peer Review Panel.

ALB
CAG/ml

2/23/17
Police Chief
FOR REVIEW
[Signature]

EKL

2/24/17
#L-85

PEER REVIEW PANEL AWARD

Grievance # 3 - 2017 was heard by the undersigned panel on **Police Sergeant Richard Sulfsted**

WRITTEN REPRIMAND RULE 2.07 VIOLATION.

The suspension / reprimand imposed by the City is (circle one) sustained / reversed / or reduced. If reduced, the penalty shall be _____.

COMMENTS

NO DISCIPLINE

JASON A. SCOTT
Panel Member Name

[Signature]
Panel Member Signature

DAVID MOORE
Panel Member Name

[Signature]
Panel Member Signature

Panel Member Name

Panel Member Signature

DISSENT
(IF APPLICABLE)

I AGREE WITH DISCIPLINE AS
PRESENTED

John Heine
[Signature]
Panel Member

At least two members must agree on sustaining, reversing, or reducing a penalty for decision to be final. No deadlocks are permitted.



Date: February 22, 2017

To: Colonel Eliot K. Isaac, Police Chief

From: Lieutenant Craig A. Gregoire, Internal Investigations Unit Commander (Acting)

Copies to:

Subject: **Peer Review Hearing Results – Police Sergeant Richard Sulfsted**

On February 21, 2017, a Peer Review Hearing was conducted for Police Sergeant Richard Sulfsted, Badge: S699, Emergency Communications Section, at the Internal Investigations Unit conference room regarding Grievance # 3 - 2017 (ETS# 2016-220274). The hearing was held in reference to a Written Reprimand issued to Police Sergeant Richard Sulfsted as a result of an incident that occurred on March 22, 2015.

The Peer Review Panel **upheld** the disciplinary action.

Attached is a copy of the finding by the Peer Review Panel.

CAG
CAG/ml

2/23/17
POLICE CHIEF
FOR REVIEW
DIB

EM

2/24/17
#L85

PEER REVIEW PANEL AWARD

Grievance # 3-2017 was heard by the undersigned panel on POLICE SERGEANT RICHARD
WRITTEN REPRIMAND ON 1.03 VIOLATION SULFSTED
The suspension / reprimand imposed by the City is (circle one) sustained /
reversed / or reduced. If reduced, the penalty shall be _____.

COMMENTS

TASER A. SCOTT # S2
Panel Member

DAVID W. MAZUR DAVID W. MAZUR
Panel Member SS89

John Reitz S-150
Panel Member

**DISSENT
(IF APPLICABLE)**

Panel Member

At least two members must agree on sustaining, reversing, or reducing a penalty for decision to be final. No deadlocks are permitted.

**Cincinnati Police Department
Internal Investigations Unit
Case #15033**

Attached is IIU Case #15033 involving off duty conduct of Police Sergeant Andrew Mitchell. Specifically, Sergeant Mitchell was involved in a single vehicle accident where he was suspected of losing control of his vehicle due to being under the influence.

The case further examines the actions taken by on duty personnel, specifically Police Officer Jason Cotterman and Sergeant Richard Sulfsted. The investigation concludes both Officer Cotterman and Sergeant Sulfsted failed to conduct proper investigations and failed to submit complete and accurate reports documenting the event. This report recommends the Department sustain the appropriate charges:

Police Officer Jason Cotterman

- 1.03 - Job specification relative to incomplete investigation
- 2.03 - Submission of inaccurate, incomplete or improper information

Police Sergeant Richard Sulfsted

1.01 - Failure to respond to the scene and conduct a proper investigation as directed by Department procedure

- 1.03 - Job specification for failing to ensure proper investigation from subordinate officer
- 1.03 - Job specification for failure to supervise misconduct
- 1.03 - Job specification for failure to provide notification to superior officer
- 2.03 - Submission of inaccurate, incomplete or improper information
- 2.13 - Failure to document law violation

Review of text messages recovered from personal cell phones belonging to Sergeant Sulfsted and Officer Cotterman supports an additional charge for violation of Cincinnati Administrative Regulation 49, Policy on Violence in the Workplace, for both officers.

For
DLH
for
PO Cotterman
Sgt - Sulfsted

DJB

Exhibit 4 6

9/12/16

**Cincinnati Police Department
Internal Investigations Unit
Case #15033**

The Internal Investigations Unit (IIU) has conducted an in-depth investigation into the actions of Police Sergeant Richard Sulfsted, Police Sergeant Andrew Mitchell, and Police Officer Jason Cotterman on the night of March 22, 2015.

The following is a brief summary of the rule violations discovered during the IIU investigation.

IIU determined that Sergeant Sulfsted violated Rules 1.01E, 1.03, 2.03B, and 2.13 of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department.

Additionally, IIU determined that Sergeant Sulfsted violated the City of Cincinnati's Administrative Regulation 49, Policy on Violence in the Workplace.

IIU determined that Officer Cotterman violated Rules 1.01E, 1.03, and 2.03B of Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department.

Additionally, IIU determined that Officer Cotterman's actions violated the City of Cincinnati's Administrative Regulation 49, Policy on Violence in the Workplace.

As a result of the investigation into Sergeant Mitchell's actions, IIU determined that Sergeant Mitchell did not violate any rules, regulations, or procedures of the Cincinnati Police Department.


CAG/MEW



Date: February 22, 2017

To: Colonel Eliot K. Isaac, Police Chief

From: Lieutenant Craig A. Gregoire, Internal Investigations Unit Commander (Acting)

Copies to:

Subject: **Peer Review Hearing Results – Police Sergeant Richard Sulfsted**

On February 21, 2017, a Peer Review Hearing was conducted for Police Sergeant Richard Sulfsted, Badge: S699, Emergency Communications Section, at the Internal Investigations Unit conference room regarding Grievance # 3 - 2017 (ETS# 2016-220274). The hearing was held in reference to a Written Reprimand issued to Police Sergeant Richard Sulfsted as a result of an incident that occurred on March 22, 2015.

The Peer Review Panel **reduced** the disciplinary action no penalty.

Attached is a copy of the finding by the Peer Review Panel.

ALB
CAG/mlt

2/23/17
Police Chief
FOR REVIEW
DJP

EKL

2/24/17
#L-85



PEER REVIEW PANEL AWARD

Grievance # 3 – 2017 was heard by the undersigned panel on **Police Sergeant Richard Sulfsted**

WRITTEN REPRIMAND RULE 2.07 VIOLATION.

The suspension / reprimand imposed by the City is (circle one) sustained / reversed / or reduced. If reduced, the penalty shall be _____.

COMMENTS

NO DISCIPLINE

JASON A. SCOTT

Panel Member Name

DAVID MOORE

Panel Member Name

Panel Member Name

[Signature]

Panel Member Signature

[Signature]

Panel Member Signature

Panel Member Signature

DISSENT
(IF APPLICABLE)

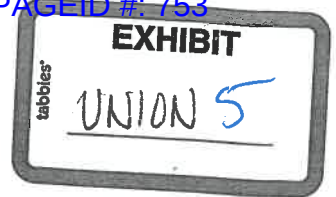
I AGREE WITH DISCIPLINE AS
PRESENTED

John Heine
[Signature]

Panel Member

At least two members must agree on sustaining, reversing, or reducing a penalty for decision to be final. No deadlocks are permitted.

City of Cincinnati
Notice of Official Reprimand



To: Richard Sulfsted

Employee I.D. Number 13738

Title: Police Sergeant

Effective Date of Reprimand

2-2-17

Department: Police

Organization Code: 6460

Penalty Code 0 8

Reason Codes

You are hereby officially reprimanded for the following reason(s):
(Enter up to 3 Codes)

1

2

3

06 - Neglect
of Duty

02 - Incompetency

03 - Inefficiency

04 - Dishonesty

05 - Insubordination

06 - Neglect of Duty

07 - Failure of Good Behavior

08 - Substance Abuse

09 - Excessive Absenteeism

10 - Violation of Civil Service Rules/C.S. Law/Code of Ethics

11 - Other

Explain in Full Reason for Reprimand:

As part of a criminal investigation, a search warrant was executed on Officer Cotterman's and Sergeant Sulfsted's cellular telephones. A review of the cellular telephone text messages revealed numerous threats levied at Department personnel (pages 38 thru 43 of IIU summary).

The following texts represent the most egregious cellular telephone text messages sent by Officer Cotterman.

"Maybe I will strap a machete on at roll call," "Maybe a spear," "The way I see it, if someone messes with my ability to provide for my family, I will mess with them back X 10." "I'm not beyond taking personal action, the example with Caton should be proof enough."

"I can't be around them, I feel like quick drawing my blade and going to town." (Officer Cotterman is referring to Specialist Pike, Officer Neal, and Officer Ball.)

"I wonder what they would say if I came in with my AR slung on my back."

"Visualizing punching Ball and Pike is helping."

"I'm worried I'm going to kill someone." "Part of me just feels like cold cocking Pike in the jaw when he opens his mouth at roll call and dragging him outside."

"Then of course there is Ball, the gears are already turning for me." "I'm leaning towards a quiet method, discreet, something I do know about." "Garbage bags and a pig farm are available."

Revised 12/09/10, Replaces 08/02.

"The way I see it, war has been declared." "I have a few things waiting for the right time and place, revenge is a dish best served cold." "I'm thinking a quick draw with my knife, I've gotten very good at draw and slash before reaction." "PTSD kind of moment, the Marine Corp said I have it, I might just wig out."

"I'm kick boxing right now contemplating kicking Ball upside the head and following up with a left hook." "I feel myself shaking with anger and hitting the heavy bag harder than I ever have."

"This job is just no fun anymore, it's all babysitting retards and watching out for yourself."

"It is what it is, not the first, won't be the last, just needing a temporary release short of beating the hell out of someone if I lose it at work, whether it's a civilian or other."

"I'm at the point where I will pull the pin on the grenade, let the spoon fly, grab them by the belt buckle, and lol when it detonated."

Officer Cotterman made alarming communications to Sergeant Sulfsted which included violent threats against the citizenry of Cincinnati. Sergeant Sulfsted should have been concerned regarding these threats and notified a supervisor within the Department to have Officer Cotterman removed from duty. Sergeant Sulfsted should have recognized these threats as an emergency requiring immediate attention.

Sergeant Sulfsted violated the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department Rule 2.07 which states:

2.07 Members are obligated to take action in any criminal offense or emergency situation coming to their attention, whether on or off-duty, in accordance with City ordinances, State Law, and Department policy. Members shall respond promptly whenever ordered to emergency duty.

A copy of this notice is being placed on your record. This notice is given to you with the hope you will improve your conduct and performance. If further discussion of your performance will help, I will be glad to meet with you.

Served by David J. Fink

Signed

David J. Fink

on (date)

Title

Police Captain

Richard C. Sulfsted

2-2-17

Department: Police

EMPLOYEE'S SIGNATURE

DATE

To The Employee: Your signature is requested here only as an indication that you have seen this reprimand. Your signature is not intended to imply that you agree with the reprimand.

Distribution: Original: Employee

Copies after signature: Civil Service; Police Department; Supervisor

PEER REVIEW PANEL AWARD

Grievance # 3 - 2017 was heard by the undersigned panel on Police Sergeant Richard Sulfsted WRITTEN REPRIMAND Rule 2.07 VIOLATION.

The suspension / reprimand imposed by the City is (circle one) sustained / reversed / or reduced. If reduced, the penalty shall be _____.

COMMENTS

NO DISCIPLINE

JASON A. SCOTT SR
Panel Member Name

DAVID MOORE
Panel Member Name

Panel Member Name

[Signature]
Panel Member Signature

[Signature]
Panel Member Signature

Panel Member Signature

DISSENT
(IF APPLICABLE)

I AGREE WITH DISCIPLINE AS PRESENTED

John Heine
[Signature]
Panel Member

At least two members must agree on sustaining, reversing, or reducing a penalty for decision to be final. No deadlocks are permitted.

 COPY

city of
CINCINNATI

Interdepartmental Correspondence Sheet



Date: February 28, 2017

To: Ms. Georgetta Kelly, Human Resources Department Director
Captain David Fink, Emergency Communications Section
Lieutenant Craig Gregoire, Internal Investigations Unit
Mr. Jim Olthaus, Technology and Systems Section

From: Lieutenant Colonel Teresa Theetge, Support Bureau Commander

Subject: Reversal of Discipline for Sergeant Richard Sulfsted.

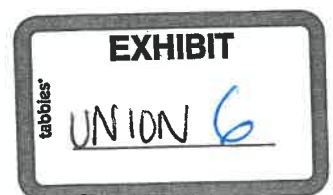
Police Sergeant Richard Sulfsted, assigned to Emergency Communications Section, was issued a Notice of Official Reprimand (Form 66-S) regarding an incident which occurred March 22, 2015. He filed a Disciplinary Grievance with the Fraternal Order of Police, Grievance #3-2017 (ETS 2016-220274).

A Peer Review Hearing was conducted on February 21, 2017, and the disciplinary action for the charge of Neglect of Duty (2.07) was reversed by the Peer Review Panel. Therefore, the Notice of Official Reprimand needs to be expunged from Sergeant Sulfsted's records and the ETS entry corrected to reflect same. The charge of Failure of Good Behavior (1.07) was upheld and should remain in his file.

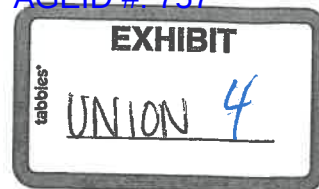
Please return your copy of Sergeant Sulfsted's Form 66-S along with a copy of this F17 to Lisa Hughes at Police Personnel Section and ensure all electronic entries are adjusted accordingly.

If you have any questions concerning this matter, please contact the Police Personnel Section on line 3534.

TAT/tmg



City of Cincinnati
Notice of Official Reprimand



To: Richard Sulfsted Employee I.D. Number 13738

Title: Police Sergeant Effective Date of Reprimand 2-2-17

Department: Police

Organization Code: 6460

Penalty Code 0 8

Reason Codes

You are hereby officially reprimanded for the following reason(s):
 (Enter up to 3 Codes)

1

2

3

07 - Failure
 of Good
 Behavior

02 - Incompetency

03 - Inefficiency

04 - Dishonesty

05 - Insubordination

06 - Neglect of Duty

07 - Failure of Good Behavior

08 - Substance Abuse

09 - Excessive Absenteeism

10 - Violation of Civil Service Rules/C.S. Law/Code of Ethics

11 - Other

Explain in Full Reason for Reprimand:

On March 22, 2015, Police Sergeant Richard Sulfsted was contacted by Police Officer Jason Cotterman due to an automobile accident that occurred at 665 West McMicken Avenue involving Sergeant Andrew Mitchell. The information on the accident originated from Mr. Arthur Lacey, who contacted the Emergency Communications Section and informed the call taker that Sergeant Mitchell was operating his personal van in a reckless manner, disregarding traffic control devices, almost collided with Mr. Lacey's vehicle, and ultimately collided with a utility pole.

Police Specialist James Pike and Police Officer Dave Harris arrived to assist Officer Cotterman. Specialist Pike was seated in the passenger side of the vehicle. Officer Cotterman approached Specialist Pike and informed him that Sergeant Mitchell was involved in the automobile accident.

Officer Cotterman informed Sergeant Sulfsted that Specialist Pike was on scene and when Officer Cotterman asked him for assistance, Specialist Pike refused to help.

Officer Cotterman did not initially elaborate on how Specialist Pike refused to help; however, Officer Cotterman stated that the manner in which Specialist Pike acted made him angry.

Sergeant Sulfsted assumed Specialist Pike sat in his marked police vehicle the entire time and only assisted with towing Sergeant Mitchell's van.

Officer Cotterman informed Specialist Pike that Sergeant Sulfsted instructed Officer Cotterman to transport Sergeant Mitchell to the District Five station, where Sergeant Sulfsted would assess Sergeant Mitchell and give direction as to how to proceed.

Revised 12/09/10, Replaces 08/02.

These factors consisted of Sergeant Sulfsted's long term working relationship with Specialist Pike and Officer Cotterman, the recognition of potential conflict between Officer Cotterman and Specialist Pike, no additional vehicles or pedestrians were involved, a utility pole was the only property damaged, and his belief that there were no witnesses who observed the automobile accident.

Sergeant Sulfsted stated he knew he was required to respond to the scene of the automobile accident, but allowed Officer Cotterman to transport Sergeant Mitchell to the District Five station to prevent any potential confrontation.

Sergeant Sulfsted did not address Specialist Pike about his refusal to assist with the investigation.

During a conversation before roll call on March 22, 2015, Sergeant Sulfsted informed Specialist Pike that since he did not observe Sergeant Mitchell, he had no evidence to support his claim that Sergeant Mitchell was intoxicated. Sergeant Sulfsted told Specialist Pike if he continued to make statements about an investigation that he had no firsthand knowledge of, he would be in violation of the Cincinnati Police Department's Manual of Rules and Regulations and Disciplinary Process as it relates to perpetuating rumor. Sergeant Sulfsted informed Specialist Pike to immediately stop his accusations.

Specialist Pike asked Sergeant Sulfsted if he was threatening him with the statement about spreading rumors.

On March 22, 2015, Sergeant Sulfsted spoke to Officer Neal. Sergeant Sulfsted discussed the automobile accident investigation with Officer Neal.

During their conversation, Officer Neal informed Sergeant Sulfsted that when Officer Harris requested a tow, via his police radio, several officers on the relief switched to the query channel to hear the license plate given. Once they had the license plate, several officers on the relief executed a queries on the license plate to learn who was involved in the automobile accident.

Sergeant Sulfsted informed Officer Neal that he did not believe that was an appropriate use of RCIC and stated that anyone that queried the plate could be in trouble. Officer Neal acknowledged that he queried the plate.

By Sergeant Sulfsted's failure to perform the duties required of a Cincinnati Police Sergeant, Sergeant Sulfsted is in violation of Rule 1.03 of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department, which states:

1.03 Members shall exercise the responsibility and authority of the position to which they are assigned in accordance with Department Position Classification/Job Description, Civil Service Classification Specifications, and work rules.

To wit (in part):

Position Classification:
Shift Sergeant
Police District

Shall be responsible to the Shift Commander for the efficient operation of a shift in conformity with established Department, District and Shift policies and procedures.

and

Shall be diligent in enforcing the observance of high ethical standards in the performance and conduct of personnel.

Revised 12/09/10, Replaces 08/02.

Shall assist the Shift Commander in the investigation of all cases of apparent or alleged misconduct by subordinate personnel, procuring evidence sufficient to sustain or refute such allegations and prepare necessary reports.

And

Shall observe and impartially report to the officer in charge every breach of discipline or neglect of duty by a subordinate.

A copy of this notice is being placed on your record. This notice is given to you with the hope you will improve your conduct and performance. If further discussion of your performance will help, I will be glad to meet with you.

Served by David J. Fink

Signed

David J. Fink

on (date)

Richard C. Sulphed

Title

Police Captain

2-2-17

Department: Police

EMPLOYEE'S SIGNATURE

DATE

To The Employee: Your signature is requested here only as an indication that you have seen this reprimand. Your signature is not intended to imply that you agree with the reprimand.

Distribution: Original: Employee

Copies after signature: Civil Service; Police Department; Supervisor

PEER REVIEW PANEL AWARD

Grievance # 3-2017 was heard by the undersigned panel on POLICE SERGEANT RICHARD
WRITTEN REPRIMAND ON 1.03 VIOLATION SOUFSTED
The suspension / reprimand imposed by the City is (circle one) sustained
reversed / or reduced. If reduced, the penalty shall be _____.

COMMENTS

JASON A. SCOTT S2

Panel Member

DAVID W. MOORE

SSPS

Panel Member

JOHN HEINE

S-150

Panel Member

JOHN HEINE

**DISSENT
(IF APPLICABLE)**

Panel Member

At least two members must agree on sustaining, reversing, or reducing a penalty for decision to be final. No deadlocks are permitted.



Witness in police officers' trial admits lying

Kevin Grasha , kgrasha@enquirer.com Published 9:15 a.m. ChT March 4, 2016 | Updated 10:50 p.m. ChT March 4, 2016



There were several tense moments Thursday as attorneys for two Cincinnati police officers accused of covering up another officer's crash questioned a key prosecution witness about conflicting statements he made.

Arthur Lacey, who made the initial 911 call about the March 2015 crash, acknowledged he lied about whether someone was with him that night. Lacey, 51, told police investigators a few days after the crash that he was alone. Four months later, he admitted to investigators that his girlfriend had

been with him in his car.

"I lied because she had a warrant," Lacey explained Thursday, the third day of a trial for the officers in Hamilton County Municipal Court.

After prosecutors objected to one of attorney Merlyn Shiverdecker's follow-up questions to Lacey, Shiverdecker replied: "He lied to police. He hindered an investigation. It's that simple."

Officer Jason Cotterman and Sgt. Richard Sulfsted are charged with dereliction of duty and obstruction of justice. The case surrounds the off-duty crash of Sgt. Andrew Mitchell, who Lacey said was speeding down West McMicken Avenue in the early morning hours of March 22, 2015, running stop signs when he crashed his minivan into a utility pole. Lacey said Mitchell's Honda Odyssey almost struck his car.

It was revealed Thursday that Lacey has given conflicting statements about the number of officers who first responded to the crash.

On Wednesday, he testified that Cotterman, after arriving on the scene, walked past him "like I didn't even exist."

Shiverdecker and Sulfsted's attorney, Scott Croswell, pointed out that in previous statements to police Lacey said "they" walked past him, and that he'd tried to talk to two officers who ignored him.

During that questioning, Shiverdecker asked Lacey: "Do you have any trouble speaking English?"

"Do you have any trouble hearing?" Lacey shot back.

No one ever administered sobriety tests to Mitchell, who said he left a gathering with friends about half an hour before the crash. He testified he drank four beers over several hours. Prosecutors say Cotterman and Sulfsted concealed Mitchell from other officers and witnesses, and didn't properly investigate the crash.

Lacey also had testified Wednesday that he'd seen a bottle of an unknown alcohol on the floor of Mitchell's Honda Odyssey. Croswell pointed out that in three interviews with police, Lacey "made no representation of an alcohol

bottle in the van.”

The bench trial, before Judge Josh Berkowitz, is now expected to end sometime next week.

Kevin Grasha, kgrasha@enquirer.com Published 6:30 p.m. ET March 9, 2016 | Updated 9:30 a.m. ET March 10, 2016



(Photo: The Enquirer/Patrick Reddy)

In finding two Cincinnati police officers not guilty of allegedly covering up a fellow officer's off-duty crash, a judge said Wednesday that the case boiled down to "a lot of second-guessing of their judgment."

"Most critically," Hamilton County Municipal Judge Josh Berkowitz said, "the state's own expert witness testified very clearly that even if all the allegations the state makes in this case (are true) ... no criminal charges should result."

"I cannot, in good conscience," Berkowitz added, "say that I'm firmly convinced of the truth of the charges."

Officer Jason Cotterman and Sgt. Richard Sulfsted had been accused of dereliction of duty and obstruction of justice in connection with the March 2015 early morning crash. The bench trial began last week.

A witness testified that Sgt. Andrew Mitchell's Honda Odyssey sped down West McMicken Avenue, ran through two stop signs – almost hitting the witness's car and another car – before crashing into a utility pole.

Prosecutors said Cotterman ignored that witness, who described Mitchell to a 911 operator as "wasted" ([//story/news/2016/03/02/witness-off-duty-officer-crash-wasted/81231276/](http://story/news/2016/03/02/witness-off-duty-officer-crash-wasted/81231276/)) and "drunk as hell." They said Cotterman also ignored another officer at the scene, James Pike, who told him to talk to the witness.

Mitchell was never asked to undergo sobriety tests. Sulfsted, prosecutors said, colluded with Cotterman to cover-up for Mitchell.

Attorneys for both Cotterman and Sulfsted raised questions about the witness, who admitted he initially lied about whether there was a woman in the car with him. Cotterman's attorney, Merlyn Shiverdecker, also questioned the actions of Pike, who he said made a conscious decision not to get involved in the investigation.

Shiverdecker told Berkowitz that Pike didn't like Mitchell.

"He was looking forward to a perp walk," Shiverdecker said about Pike, "but he wasn't going to dirty his hands."

Sulfsted's attorney, Scott Croswell, said the case was about whether correct procedures were followed in the investigation of a traffic crash. It was an issue that should have been handled internally, Croswell said.

If the accident investigation didn't follow preferred policing methods, he said, "then they can be trained, they can be administratively punished."

The handling of the crash triggered an investigation by the department's internal investigations unit. Both Cotterman and Sulfsted were charged in July. Charges against Mitchell also were issued in July. He pleaded guilty in December to two traffic violations and was ordered to pay \$315. He has returned to duty.

In an interview after the verdict, Croswell noted that prosecutors had argued Wednesday that any time a police officer doesn't issue a citation, the officer has committed a criminal offense.

"Which is absurd," he said.



Watch out! Deals, sweepstakes, freebies and more are falling like leaves.

LEARN MORE
(http://www.cincinnati.com/xtras/deals/2017/08/18/fall-fun-xtras/104726202/?utm_source=bxag&utm_medium=bx&utm_campaign=InsFallFun)

City attorneys who prosecuted the case deferred comment to a city spokesman, who could not be reached late Wednesday for comment.
Read or Share this story: <http://cin.ci/1p93Kjq>



Traffic Crash Report

Local Information		CENTRAL BUSINESS		Local Report Number *		155016249		Crash Severity		3 1 - Fatal 2 - Injury 3 - PDO		Hit/Skip		1 - Solved 2 - Unsolved																					
<input type="checkbox"/> Photos Taken <input type="checkbox"/> OH-2 <input type="checkbox"/> OH-1P <input type="checkbox"/> OH-3 <input type="checkbox"/> Other		<input type="checkbox"/> PDO Under State Reportable Dollar Amount		<input checked="" type="checkbox"/> Private Property		Reporting Agency NCIC *		C I P O O		Reporting Agency Name *		CINCINNATI POLICE DEPT		Number of Units		02		Unit in error		01 98 - Animal 99 - Unknown															
County *		31		City *		CINCINNATI		City, Village, Township *		Crash Date *		11062015		Time of Crash		1944		Day of Week		FRI															
Degrees / Minutes / Seconds Latitude		0 / /		Longitude		0 / /		Decimal Degrees Latitude		39.097304		Longitude		84.509649																					
Roadway Division		<input type="checkbox"/> Divided <input checked="" type="checkbox"/> Undivided		Divided lane Direction of Travel		<input type="checkbox"/> N - Northbound <input type="checkbox"/> S - Southbound		E - Eastbound W - Westbound		Number of Thru Lanes		01		Road Types or Milepost *		AV - Avenue AL - Alley BL - Boulevard CR - Circle CT - Court DR - Drive HE - Heights HW - Highway LA - Lane MP - Milepost PK - Parkway PI - Pike PL - Place RD - Road SQ - Square ST - Street TE - Terrace TL - Trail WA - Way		Route Types *		IR - Interstate Route (not turnpike) US - US Route SR - State Route CR - Numbered County Route TR - Numbered Township Route															
Location Route Type *		E		Location Route Number		Freedom		Loc Prefix		N, S, E, W		Reference Route Number		150		Reference Name (Road, Milepost, House #)		Reference Road Type *																	
Distance From Reference		<input type="checkbox"/> Miles <input type="checkbox"/> Feet <input type="checkbox"/> Yards		Dir From Ref		N, S, E, W		Reference Route Type *				Reference Name (Road, Milepost, House #)		150		Reference Road Type *																			
Reference Point Used		3		Crash Location		01		01 - Not an intersection 02 - Four-way intersection 03 - T-intersection 04 - Y-intersection 05 - Traffic Circle/Roundabout		06 - Five-point, or more 07 - On Ramp 08 - Off Ramp 09 - Crossover 10 - Driveway/Alley Access		11 - Railway Grade Crossing 12 - Shared-Use Paths or Trails 99 - Unknown		<input type="checkbox"/> Intersection Related		Location of First Harmful Event		6		1 - On Roadway 2 - On Shoulder 3 - In Median 4 - On Roadside 5 - On Gore 6 - Outside Trafficway 9 - Unknown															
Road Contour		1		1 - Straight Level 2 - Straight Grade 3 - Curve Level		4 - Curve Grade 9 - Unknown		Road Conditions		Primary		01		Secondary		01		01 - Dry 02 - Wet 03 - Snow 04 - Ice 05 - Sand, Mud, Dirt, Oil, Gravel 06 - Water (Standing, Moving) 07 - Slush 08 - Debris *		09 - Rut, Holes, Bumps, Uneven Pavement * 10 - Other 99 - Unknown		* Secondary Condition Only													
Manner of Crash Collision/Impact		5		1 - Not Collision Between Two Motor Vehicles in Transport 2 - Rear End 3 - Head-On 4 - Rear-to-Rear		5 - Backing 6 - Angle 7 - Sideswipe, Same Direction		8 - Sideswipe, Opposite Direction 9 - Unknown		Weather		1		1 - Clear 2 - Cloudy 3 - Fog, Smog, Smoke		4 - Rain 5 - Sleet/Hail 6 - Snow		7 - Severe Crosswinds 8 - Blowing Sand, Soil, Dirt, Snow 9 - Other/Unknown																	
Road Surface		1		1 - Concrete 2 - Blacktop, Bituminous Asphalt 3 - Brick/Block		4 - Slag, Gravel, Stone 5 - Dirt 6 - Other		Light Conditions		Primary		4		Secondary		1 - Daylight 2 - Dawn 3 - Dusk 4 - Dark - Lighted Roadway		5 - Dark - Roadway Not Lighted 6 - Dark - Unknown Roadway Lighting 7 - Glare 8 - Other		9 - Unknown		<input type="checkbox"/> School Bus Related <input type="checkbox"/> School Zone Related <input type="checkbox"/> Yes, School Bus Indirectly Involved													
<input type="checkbox"/> Work Zone Related		<input type="checkbox"/> Workers Present <input type="checkbox"/> Law Enforcement Present (Officer/Vehicle) <input type="checkbox"/> Law Enforcement Present (Vehicle Only)		Type of Work Zone		1 - Lane Closure 2 - Lane Shift/Crossover 3 - Work on Shoulder or Median		4 - Intermittent or Moving Work 5 - Other		Location of Crash in Work Zone		1 - Before the First Work Zone Warning Sign 2 - Advance Warning Area 3 - Transition Area		4 - Activity Area 5 - Termination Area																					
Narrative		UNIT #1 BACKING VEHICLE ON PRIVATE PROPERTY LOCATED IN THE REAR OF 150 E FREEDOM WAY STRUCK UNIT #2 CAUSING MINOR DAMAGE TO BOTH UNITS.		Diagram				EXHIBIT		UNION 9																									
Report Taken By		Police Agency		<input type="checkbox"/> Motorist		<input type="checkbox"/> Supplement (Correction or Addition to an Existing Report Sent to ODPS)		Date Crash Reported		11062015		Time Crash Reported		1945		Dispatch Time		1949		Arrival Time		1949		Time Cleared		2030		Other Investigation Time				Total Minutes		41	
Officer's Name *		PRICE, DAVID T.		Officer's Badge Number		P0562		Checked By		TAYLOR, CHRISTOPHER K.		Page		1		of		4																	



Unit

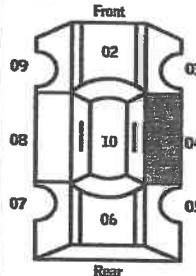
Unit Number 011		Owner Name: Last, First, Middle (<input checked="" type="checkbox"/> Same As Driver) ISAAC, ELIOT		Owner Phone Number - inc. area code (<input checked="" type="checkbox"/> Same As Driver) (513) 352-3536		Local Report Number 11550161249	
Owner Address: City, State, Zip (<input checked="" type="checkbox"/> Same As Driver) 10 Ezzard Charles Dr CINTI, OH 45202						Damage Scale 2	
LP State OH		License Plate Number GJM9756		Vehicle Identification Number 11LNH1L9F1T9B1G60816168		# Occupants 01	
Vehicle Year 2011		Vehicle Make Lincoln / Lincoln-Continental		Vehicle Model MKZ		Vehicle Color WHITE	
<input checked="" type="checkbox"/> Proof of Insurance Shown		Insurance Company STATE FARM		Policy Number		Towed By	
Carrier Name, Address, City, State, Zip						Carrier Phone - include area code	
US DOT		Vehicle Weight GVWR/GCWR <input type="checkbox"/> 1 - Less Than Or Equal to 10k Lbs. <input type="checkbox"/> 2 - 10,001 to 26,000 Lbs. <input type="checkbox"/> 3 - More Than 26,000 Lbs.		Cargo Body Type 01 01 - No Cargo Body Type/Not Applicable 02 - Bus/Van (9-15 Seats, Inc Driver) 03 - Bus (16+ Seats, Inc Driver) 04 - Vehicle Towing Another Vehicle 05 - Logging 06 - Intermodal Container Chassis 07 - Cargo Van/Enclosed Box 08 - Grain, Chpts, Gravel		Trafficway Description 1 1 - Two-Way, Not Divided 2 - Two-Way, Not Divided, Continuous Left Turn Lane 3 - Two-Way, Divided, Unprotected (Painted or Grass >4 Ft.) Median 4 - Two-Way, Divided, Positive Median Barrier 5 - One-Way Trafficway	
HM Placard ID No. 11		<input type="checkbox"/> Hazardous Material Released		HM Class Number 1		<input type="checkbox"/> HR / Skip Unit	
Non-Motorist Location Prior to Impact 01 01 - Intersection - Marked Crosswalk 02 - Intersection - No Crosswalk 03 - Intersection - Other 04 - Midblock - Marked Crosswalk 05 - Travel Lane - Other Location 06 - Bicycle Lane 07 - Shoulder/Roadside 08 - Sidewalk 09 - Median/Crossing Island 10 - Driveway Access 11 - Shared-Use Path or Trail 12 - Non-Trafficway Area 99 - Other/Unknown		Type of Use 1 1 - Personal 2 - Commercial 3 - Government <input type="checkbox"/> In Emergency Response		Unit Type 04 99 - Unknown or Hit / Skip		Passenger Vehicles (less than 9 passengers) 01 - Sub-Compact 02 - Compact 03 - Mid Size 04 - Full Size 05 - Minivan 06 - Sport Utility Vehicle 07 - Pickup 08 - Van 09 - Motorcycle 10 - Motorized Bicycle 11 - Snowmobile/ATV 12 - Other Passenger Vehicle Med/Heavy Trucks or Combo Units > 10k lbs 13 - Single Unit Truck or Van 2axle, 6 tires 14 - Single Unit Truck; 3+ axles 15 - Single Unit Truck / Trailer 16 - Truck/Tractor (Bobtail) 17 - Tractor/Semi-Trailer 18 - Tractor/Double 19 - Tractor/Triples 20 - Other Med/Heavy Vehicle Bus/Van/Limo (9 or More Including Driver) 21 - Bus/Van (9-15 Seats, Inc Driver) 22 - Bus (16+ Seats, Inc Driver) Non-Motorist 23 - Animal with Rider 24 - Animal with Buggy, Wagon, Surrey 25 - Bicycle/Pedacyclist 26 - Pedestrian/Skater 27 - Other Non-Motorist	
Special Function 01 01 - None 02 - Taxi 03 - Rental Truck (Over 10k Lbs) 04 - Bus - School (Public or Private) 05 - Bus - Transit 06 - Bus - Charter 07 - Bus - Shuttle 08 - Bus - Other		09 - Ambulance 10 - Fire 11 - Highway/Maintenance 12 - Military 13 - Police 14 - Public Utility 15 - Other Government 16 - Construction Equip.		17 - Farm Vehicle 18 - Farm Equipment 19 - Motorhome 20 - Golf Cart 21 - Train 22 - Other (Explain in Narrative)		Most Damaged Area 07 01 - None 02 - Center Front 03 - Right Front 04 - Right Side 05 - Right Rear 06 - Rear Center 07 - Left Rear Impact Area 07 01 - None 02 - Center Front 03 - Right Front 04 - Right Side 05 - Right Rear 06 - Rear Center 07 - Left Rear	
Pre-Crash Actions 02 99 - Unknown		Motorist 01 - Straight Ahead 02 - Backing 03 - Changing Lanes 04 - Overtaking/Passing 05 - Making Right Turn 06 - Making Left Turn 07 - Making U-Turn 08 - Entering Traffic Lane 09 - Leaving Traffic Lane 10 - Parked 11 - Slowing or Stopped in Traffic 12 - Driverless		13 - Negotiating a Curve 14 - Other Motorist Action Non-Motorist 15 - Entering or Crossing Specified Location 16 - Walking, Running, Jogging, Playing, Cycling 17 - Working 18 - Pushing Vehicle 19 - Approaching or Leaving Vehicle 20 - Standing		21 - Other Non-Motorist Action	
Contributing Circumstances Primary 11 Secondary 11 99 - Unknown		Motorist 01 - None 02 - Failure to Yield 03 - Ran Red Light 04 - Ran Stop Sign 05 - Exceeded Speed Limit 06 - Unsafe Speed 07 - Improper Turn 08 - Left of Center 09 - Followed Too Closely/ACDA 10 - Improper Lane Change /Passing/Off Road 11 - Improper Backing 12 - Improper Start From Parked Position 13 - Stopped or Parked Illegally 14 - Operating Vehicle in Negligent Manner 15 - Swerving to Avoid (Due to External Conditions) 16 - Wrong Side/Wrong Way 17 - Failure to Control 18 - Vision Obstruction 19 - Operating Defective Equipment 20 - Load Shifting/Falling/Spilling 21 - Other Improper Action		Non-Motorist 22 - None 23 - Improper Crossing 24 - Daring 25 - Lying and/or Illegally in Roadway 26 - Failure to Yield Right of Way 27 - Not Visible (Dark Clothing) 28 - Inattentive 29 - Failure to Obey Traffic Signs /Signals/Officer 30 - Wrong Side of the Road 31 - Other Non-Motorist Action		Vehicle Defects 11 01 - Turn Signals 02 - Head Lamps 03 - Tail Lamps 04 - Brakes 05 - Steering 06 - Tire Blowout 07 - Worn or Slick tires 08 - Trailer Equipment Defective 09 - Motor Trouble 10 - Disabled From Prior Accident 11 - Other Defects	
Sequence of Events 1 21 2 11 3 11 4 11 5 11 6 11 First Harmful Event 1 Most Harmful Event 1 99 - Unknown		Collision with Person, Vehicle or Object Not Fixed 14 - Pedestrian 15 - Motorcycle 16 - Railway Vehicle (Train, Engine) 17 - Animal - Farm 18 - Animal - Deer 19 - Animal - Other 20 - Motor Vehicle in Transport 21 - Parked Motor Vehicle 22 - Work Zone Maintenance Equipment 23 - Struck by Falling, Shifting Cargo or Anything Set in Motion by a Motor Vehicle 24 - Other Movable Object		Non-Collision Events 01 - Overturn/Rollover 02 - Fire/Explosion 03 - Immersion 04 - Jackknife 05 - Cargo/Equipment Loss or Shift Collision With Fixed Object 25 - Impact Attenuator/Crash Cushion 26 - Bridge Overhead Structure 27 - Bridge Pier or Abutment 28 - Bridge Parapet 29 - Bridge Rail 30 - Guardrail Face 31 - Guardrail End 32 - Portable Barrier		06 - Equipment Failure (Blown Tire, Brake Failure, etc) 07 - Separation of Units 08 - Ran Off Road Right 09 - Ran Off Road Left 10 - Cross Median 11 - Cross Center Line Opposite Direction of Travel 12 - Downhill Runaway 13 - Other Non-Collision	
Unit Speed 11 <input type="checkbox"/> Stated <input type="checkbox"/> Estimated		Posted Speed 11		Traffic Control 01 01 - No Controls 02 - Stop Sign 03 - Yield Sign 04 - Traffic Signal 05 - Traffic Flashers 06 - School Zone 07 - Railroad Crossbucks 08 - Railroad Flashers 09 - Railroad Gates 10 - Construction Barricade 11 - Person (Flagger, Officer) 12 - Pavement Markings		Unit Direction From 3 To 4 1 - North 2 - South 3 - East 4 - West 5 - Northeast 6 - Northwest 7 - Southeast 8 - Southwest 9 - Unknown	



Unit

Local Report Number

155016249

Unit Number 02		Owner Name: Last, First, Middle (<input type="checkbox"/> Same As Driver) CINCINNATI, CITY OF		Owner Phone Number - inc. area code (<input type="checkbox"/> Same As Driver) (513) 352-6000		Damage Scale 2		Damaged Area 	
Owner Address: City, State, Zip (<input type="checkbox"/> Same As Driver) 301 Plum St CINTI, OH 45202		LP State OH		License Plate Number 11300		Vehicle Identification Number 2F1A1P7B1V1X1B1X1381161		# Occupants 1	
Vehicle Year 2011		Vehicle Make Ford		Vehicle Model VICTORIA		Vehicle Color WHITE		9 - Unknown	
<input type="checkbox"/> Proof of Insurance Shown		Insurance Company		Policy Number		Towed By			
Carrier Name, Address, City, State, Zip								Carrier Phone - include area code	
US DOT		Vehicle Weight GVWR/GCWR <input type="checkbox"/> 1 - Less Than Or Equal to 10k Lbs. <input type="checkbox"/> 2 - 10,001 to 26,000 Lbs. <input type="checkbox"/> 3 - More Than 26,000 Lbs.		Cargo Body Type 01 01 - No Cargo Body Type/Not Applicable 02 - Bus/Van (9-15 Seats, Inc Driver) 03 - Bus (16+ Seats, Inc Driver) 04 - Vehicle Towing Another Vehicle 05 - Logging 06 - Intermodal Container Chassis 07 - Cargo Van/Enclosed Box 08 - Grain, Chips, Gravel		Trafficway Description 1 1 - Two-Way, Not Divided 2 - Two-Way, Not Divided, Continuous Left Turn Lane 3 - Two-Way, Divided, Unprotected (Painted or Grass >4 Ft.) Median 4 - Two-Way, Divided, Positive Median Barrier 5 - One-Way Trafficway		<input type="checkbox"/> Hlt / Skip Unit	
HM Placard ID No. 13		HM Class Number 1		Type of Use 1 1 - Personal 2 - Commercial 3 - Government <input type="checkbox"/> In Emergency Response		Unit Type 04 99 - Unknown or Hlt / Skip		Passenger Vehicles (less than 9 passengers) 01 - Sub-Compact 02 - Compact 03 - Mid Size 04 - Full Size 05 - Minivan 06 - Sport Utility Vehicle 07 - Pickup 08 - Van 09 - Motorcycle 10 - Motorized Bicycle 11 - Snowmobile/ATV 12 - Other Passenger Vehicle	
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Pre-Crash Actions 10 99 - Unknown		Motorist 01 - Straight Ahead 02 - Backing 03 - Changing Lanes 04 - Overtaking/Passing 05 - Making Right Turn 06 - Making Left Turn		07 - Making U-Turn 08 - Entering Traffic Lane 09 - Leaving Traffic Lane 10 - Parked 11 - Slowing or Stopped in Traffic 12 - Driverless		13 - Negotiating a Curve 14 - Other Motorist Action		Non-Motorist 15 - Entering or Crossing Specified Location 16 - Walking, Running, Jogging, Playing, Cycling 17 - Working 18 - Pushing Vehicle 19 - Approaching or Leaving Vehicle 20 - Standing	
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Unit Speed 01 <input type="checkbox"/> Stated <input type="checkbox"/> Estimated		Posted Speed 01		Traffic Control 01 01 - No Controls 02 - Stop Sign 03 - Yield Sign 04 - Traffic Signal 05 - Traffic Flashers 06 - School Zone		07 - Railroad Crosswalks 08 - Railroad Flashers 09 - Railroad Gates 10 - Construction Barricade 11 - Person (Flagger, Officer) 12 - Pavement Markings		13 - Crosswalk Lines 14 - Walk/Don't Walk 15 - Other 16 - Not Reported	
Unit Direction From 4 To 3		1 - North 2 - South 3 - East 4 - West		5 - Northeast 6 - Northwest 7 - Southeast 8 - Southwest		9 - Unknown			



Motorist / Non-Motorist / Occupant

Local Report Number

1 5 5 0 1 6 2 4 9

Unit Number 011	Name: Last, First, Middle ISAAC, ELIOT	Date of Birth 1/21/1919	Age 65	Gender M F - Female M - Male																									
Address, City, State, Zip 310 Ezzard Charles Dr CINTI, OH 45202		Contact Phone-include area code (513) 352-3536																											
Injuries 1	Injured Taken By 0	EMS Agency	Medical Facility Injured Taken To	Safety Equipment Used 04	<input type="checkbox"/> DOT Compliant Motorcycle Helmet	Seating Position 01	Air Bag Usage 1	Ejection 1	Trapped 1																				
OL State OH	Operator License Number RG581698	OL Class 4	<input type="checkbox"/> No Valid OL	<input type="checkbox"/> W/C End.	Condition 1	Alcohol/Drug Suspected 1	Alcohol Test Status 0	Alcohol Test Type 0	Alcohol Test Value 0.000	Drug Test Status 0	Drug Test Type 0																		
Offense Charged (<input type="checkbox"/> Local Code)		Offense Description				Citation Number		Hands-Free Device Used <input type="checkbox"/>		Driver Distracted By 1																			
Unit Number 000	Name: Last, First, Middle	Date of Birth	Age	Gender 0 F - Female M - Male																									
Address, City, State, Zip		Contact Phone-include area code																											
Injuries 0	Injured Taken By 0	EMS Agency	Medical Facility Injured Taken To	Safety Equipment Used 00	<input type="checkbox"/> DOT Compliant Motorcycle Helmet	Seating Position 00	Air Bag Usage 0	Ejection 0	Trapped 0																				
OL State 00	Operator License Number	OL Class 0	<input type="checkbox"/> No Valid OL	<input type="checkbox"/> W/C End.	Condition 0	Alcohol/Drug Suspected 0	Alcohol Test Status 0	Alcohol Test Type 0	Alcohol Test Value 0.000	Drug Test Status 0	Drug Test Type 0																		
Offense Charged (<input type="checkbox"/> Local Code)		Offense Description				Citation Number		Hands-Free Device Used <input type="checkbox"/>		Driver Distracted By 0																			
<table border="1"><tr><td>Injuries 1 - No Injury / None Reported 2 - Possible 3 - Non-Incapacitating 4 - Incapacitating 5 - Fatal</td><td>Injured Taken By 1 - Not Transported / Treated at Scene 2 - EMS 3 - Police 4 - Other 5 - Unknown</td><td>Safety Equipment Used Motorist 01 - None Used - Vehicle Occupant 02 - Shoulder Belt Only Used 03 - Lap Belt Only Used 04 - Shoulder and Lap Belt Used Non-Motorist 05 - Child Restraint System-Forward Facing 06 - Child Restraint System- Rear Facing 07 - Booster Seat 08 - Helmet Used 99 - Unknown Safety Equipment</td><td>Non-Motorist 09 - None Used 10 - Helmet Used 11 - Protective Pads Used (Elbow/Knee, Etc) 12 - Reflective Clothing 13 - Lighting 14 - Other</td></tr><tr><td colspan="2">Seating Position 01 - Front - Left Side (Motorcycle Driver) 02 - Front - Middle 03 - Front - Right Side 04 - Second - Left Side (Motorcycle Passenger) 05 - Second - Middle 06 - Second - Right Side 07 - Third - Left Side (Motorcycle Side Car) 08 - Third - Middle 09 - Third - Right Side 10 - Sleeper Section of Cab (Truck) 11 - Passenger in Other Enclosed Cargo Area (Non-Trailing Unit Such as a Box, Pick-up with Cab) 12 - Passenger in Unenclosed Cargo Area 13 - Trailing Unit 14 - Riding on Vehicle Exterior (Non-Trailing Unit) 15 - Non-Motorist 16 - Other 99 - Unknown</td><td colspan="2">Air Bag Usage 1 - Not Deployed 2 - Deployed Front 3 - Deployed Side 4 - Deployed Both Front/Side 5 - Not Applicable 9 - Deployment Unknown</td></tr><tr><td>Ejection 1 - Not Ejected 2 - Totally Ejected 3 - Partially Ejected 4 - Not Applicable</td><td>Trapped 1 - Not Trapped 2 - Extricated by Mechanical Means 3 - Extricated by Non-Mechanical Means</td><td>Operator License Class 1 - Class A 2 - Class B 3 - Class C 4 - Regular Class (One is "T") 5 - MCMoped Only</td><td>Condition 1 - Apparently Normal 2 - Physical Impairment 3 - Emotional (Depressed, Angry, Disturbed) 4 - Illness 5 - Fell Asleep, Fainted, Fatigued 6 - Under The Influence of Medications, Drugs, Alcohol 7 - Other</td><td>Alcohol/Drug Suspected 1 - None 2 - Yes - Alcohol Suspected 3 - Yes - HBD Not Impaired 4 - Yes - Drugs Suspected 5 - Yes - Alcohol and Drugs Suspected</td></tr><tr><td>Alcohol Test Status 1 - None Given 2 - Test Refused 3 - Test Given, Contaminated Sample/Unusable 4 - Test Given, Results Known 5 - Test Given, Results Unknown</td><td>Alcohol Test Type 1 - None 2 - Blood 3 - Urine 4 - Breath 5 - Other</td><td>Drug Test Status 1 - None Given 2 - Test Refused 3 - Test Given, Contaminated Sample/Unusable 4 - Test Given, Results Known 5 - Test Given, Results Unknown</td><td>Drug Test Type 1 - None 2 - Blood 3 - Urine 4 - Other</td><td>Driver Distracted By 1 - No Distraction Reported 2 - Phone 3 - Texting/E-mailing 4 - Electronic Communication Device 5 - Other Electronic Device (Navigation Device, Radio, DVD) 6 - Other Inside the Vehicle 7 - External Distraction</td></tr></table>												Injuries 1 - No Injury / None Reported 2 - Possible 3 - Non-Incapacitating 4 - Incapacitating 5 - Fatal	Injured Taken By 1 - Not Transported / Treated at Scene 2 - 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Address, City, State, Zip		Contact Phone-include area code																											
Injuries 0	Injured Taken By 0	EMS Agency	Medical Facility Injured Taken To	Safety Equipment Used 00	<input type="checkbox"/> DOT Compliant Motorcycle Helmet	Seating Position 00	Air Bag Usage 0	Ejection 0	Trapped 0																				
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